United Nations

Report of the Human Rights Council

Twenty-sixth special session
(14 December 2016)
Thirty-fourth session
(27 February-24 March 2017)
Thirty-fifth session
(6-23 June 2017)

General Assembly
Official Records
Seventy-second Session
Supplement No. 53 (A/72/53)

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I. Introduction

1. The Human Rights Council held its twenty-sixth special session on 14 December 2016. It held its thirty-fourth session from 27 February to 24 March 2017 and its thirty-fifth session from 6 to 23 June 2017.

2. The reports of the Human Rights Council on the above-mentioned sessions have been issued in documents A/HRC/34/2, A/HRC/35/2 and A/HRC/S-26/2.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

34/26. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and to end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation, particularly the ceasefire that they helped to establish and that came into effect on 30 December 2016,

Welcoming also the international meeting on the Syrian Arab Republic, held in Astana on 23 and 24 January, as anticipated in Security Council resolution 2336 (2016), and encouraging all parties to fully implement the ceasefire established pursuant to the arrangements of 29 December 2016,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry, *Acknowledging* the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 22 August 2011 to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Decides* to extend for one year the mandate of the Commission of Inquiry;

4. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during an interactive dialogue at its thirty-fifth session, and to present a written updated report during an interactive dialogue at the thirty-sixth and thirty-seventh sessions;

5. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations, designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children and persons with disabilities;

10. *Urges* all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities, personnel and transport and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the besiegement and bombardment of eastern Aleppo in the second half of 2016, which, as made clear by the Commission of Inquiry in its most recent report,[1] subjected the civilian population of the city to untold suffering and claimed hundreds of lives;

12. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report, including those suggesting that the offensive against Aleppo involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and its allies;

13. *Also expresses its profound concern* at the Commission's findings that strongly suggest that pro-regime forces committed the war crimes of intentionally targeting protected objects under international law, including medical personnel and transport;

14. *Strongly condemns* the attack on a humanitarian aid convoy on 19 September 2016, killing at least 14 people, which, according to the Commission of Inquiry in its report, was conducted by the Syrian air force, and amounts to the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid, and attacking civilians;

15. *Also strongly condemns* the indiscriminate use of weapons against civilian areas, such as barrel bombs, cluster munitions and incendiary weapons, which, according to the Commission of Inquiry in its report, were conducted by the regime and pro-regime forces and amounts to the war crime of indiscriminate attacks against a civilian population;

16. *Further strongly condemns* the use of chemical weapons by the Syrian regime, which, according to the Commission of Inquiry in its report, were used by Syrian forces and amounts to the war crime of indiscriminate attacks against a civilian population;

17. *Condemns* the use of unguided and imprecise weaponry, which, according to the Commission of Inquiry in its report, was used by armed groups during the shelling of western Aleppo and amounts to the war crime of indiscriminate attacks against a civilian population;

18. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

19. *Strongly condemns* the widespread practice of enforced disappearances, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

20. *Condemns* the denial of medical services in all prisons and detention facilities;

21. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

22. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

23. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

24. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons,

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[1] A/HRC/34/CRP.3.

or, transfer, directly or indirectly, chemical weapons to other States or non-State actors[2] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

25. *Welcomes* the reports of the Organization for the Prohibition of Chemical Weapons — United Nations Joint Investigative Mechanism of 24 August and 21 October 2016,[3] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic — in Talmenes in 2014 and Qmenas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Organization for the Prohibition of Chemical Weapons — United Nations Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organization, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

27. *Demands* that all parties identified in the reports of the Organization for the Prohibition of Chemical Weapons — United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons to desist immediately from any further use;

28. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

29. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

30. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

31. *Also condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against civilians and civilian infrastructure, including medical facilities;

32. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

33. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

34. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

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[2] See Security Council resolution 2235 (2015).

[3] See S/2016/738.

35. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

36. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

37. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016) of 26 February 2016, 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

38. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

39. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

40. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and stresses the complementary nature of its mandate with that of the Commission of Inquiry;

41. *Invites* Member States to support actively the International, Impartial and Independent Mechanism;

42. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

43. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bringing about reconciliation and sustainable peace;

44. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

45. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the initiative by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations to host a follow-up conference in Brussels on 5 April 2017 aimed at assessing progress in implementing the commitments made at the London conference and to reconfirm and identify additional support for the immediate humanitarian and long-term development needs in the Syrian Arab Republic and the region and at boosting international support for the United Nations-led intra-Syrian talks in Geneva;

48. *Renews its call* upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the London conference;

49. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection regardless of gender, religion or ethnicity;

51. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

52. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

53. *Also decides* to remain seized of the matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 27 to 7, with 13 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Kyrgyzstan, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Mongolia, Nigeria, Philippines, South Africa, Tunisia]

34/28. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014 by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, at which the High Contracting Parties reaffirmed, inter alia, their commitment to uphold their obligation to ensure respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012 and S-21/1 of 23 July 2014,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

Expressing its appreciation to the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

Recognizing the work of Palestinian, Israeli and international civil society actors and human rights defenders in documenting and countering violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, including the findings of the United Nations Fact-Finding Mission on the Gaza Conflict, of the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the independent commission of inquiry on the 2014 Gaza conflict, and of the boards of inquiry convened by the Secretary-General,

Condemning all violations of human rights and of international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967, and affirming that this is necessary in order to uphold human rights and international law,

Deploring the non-cooperation by Israel with all Human Rights Council fact-finding missions and the independent commission of inquiry on the 2014 Gaza conflict and the refusal to grant access to, and cooperate with, international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the report of the independent commission of inquiry on the 2014 Gaza conflict,[4] the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Regretting the lack of progress in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli civil and criminal legal system contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

Emphasizing the need for States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law, to end impunity, to uphold their obligations to ensure respect, and to promote international accountability,

Noting the accession by the State of Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;[4]

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[5] and the United Nations Fact-Finding Mission on the Gaza Conflict,[6] in accordance with their respective mandates;

3. *Notes* the importance of the work of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, and the information collected regarding grave violations in support of future accountability efforts, in particular information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account, through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of effective remedy to all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

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[4] A/HRC/29/52.

[5] A/HRC/22/63.

[6] A/HRC/12/48.

5. *Stresses* that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law, and should ensure credible and comprehensive accountability for all violations of international law in order to bring about sustainable peace;

6. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

7. *Denounces* all acts of intimidation and threats directed at civil society actors and human rights defenders involved in documenting and countering violations of international law and impunity in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States to ensure their protection;

8. *Calls upon* all States to promote compliance with international law, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties, including by ensuring that they do not become involved in internationally unlawful conduct;

9. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict in its report[7] has been or is being taken appropriately at the national or international levels to ensure justice for victims and accountability for perpetrators;

10. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its thirty-seventh session;

11. *Decides* to remain seized of the matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 30 to 2, with 15 abstentions. The voting was as follows:

In favour:

Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ghana, Indonesia, Iraq, Kyrgyzstan, Mongolia, Nigeria, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Togo, United States of America

Abstaining:

Albania, Croatia, Ethiopia, Georgia, Germany, Hungary, India, Japan, Kenya, Latvia, Netherlands, Panama, Paraguay, Rwanda, United Kingdom of Great Britain and Northern Ireland]

34/33. Establishment of a forum on people of African descent

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, reaffirming the commitments contained therein with regard to people of African descent, and recalling also all previous Human Rights Council resolutions on the comprehensive follow-up to the 2001

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action,

Recalling also Human Rights Council resolution 30/17 of 2 October 2015 on a forum on people of African descent in the diaspora,

Recalling further all its previous resolutions on the global elimination of the scourges of racism and racial discrimination,

Bearing in mind General Assembly resolution 69/16 of 18 November 2014, in which the Assembly adopted the programme of activities for the implementation of the International Decade for People of African Descent,

1. *Invites* the President of the General Assembly to facilitate, during the seventy-first session, a resolution on the establishment of a forum on people of African descent;

2. *Recommends* that the General Assembly establish a forum on people of African descent, in accordance with the recommendation contained in paragraph 29 (i) of the programme of activities for the implementation of the International Decade for People of African Descent,[7] the modalities of which should reflect the views and preferences of the communities concerned;

3. *Decides* to allocate three days of the annual session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to the forum on people of African descent, in accordance with the recommendation contained in paragraph 29 (i) of the programme of activities for the implementation of the International Decade for People of African Descent;

4. *Recommends* that the General Assembly invite States located in the regions where people of African descent live and of which they are citizens to offer to host regional conferences on the establishment of the forum, with the participation of people of African descent, with a view to making substantive contributions on the format, structure and content of the proposed forum;

5. *Encourages* all States, intergovernmental and non-governmental organizations, private institutions and individuals, and other donors in a position to do so, to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination with a view to contributing to the successful implementation of the programme;

6. *Decides* to remain seized of this priority matter.

58th meeting
24 March 2017

[Adopted without a vote.]

35/1. Seventieth anniversary of the Universal Declaration of Human Rights and twenty-fifth anniversary of the Vienna Declaration and Programme of Action

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Noting that 2018 will mark the seventieth anniversary of the Universal Declaration of Human Rights[8] and the twenty-fifth anniversary of the Vienna Declaration and

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[7] General Assembly resolution 69/16, annex.

[8] General Assembly resolution 217 A (III).

Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[9] and acknowledging the importance of these instruments for the promotion and the protection of all human rights,

Emphasizing that the anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Stressing the necessity for continued national efforts with a view to the full realization of all human rights and fundamental freedoms, and acknowledging the benefits of enhanced international cooperation to that end,

1. *Decides* to convene, at its thirty-seventh session, a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion, and to make it fully accessible for persons with disabilities;

3. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-eighth session and to the General Assembly;

4. *Invites* the United Nations High Commissioner for Human Rights to make provisions for events and arrangements aimed at the celebration of the anniversaries and to circulate the relevant information among States and other stakeholders;

5. *Encourages* States to use these anniversaries as a tool to raise awareness of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action and their role in the promotion and protection of all human rights and fundamental freedoms;

6. *Invites* the General Assembly to consider holding a special commemorative meeting on the occasion of the anniversaries in 2018.

34th meeting
22 June 2017

[Adopted without a vote.]

35/35. Situation of human rights in Eritrea

The Human Rights Council,

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[9] A/CONF.157/24 (Part I), chap. III.

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012, 23/21 of 14 June 2013, 26/24 of 27 June 2014, 29/18 of 2 July 2015 and 32/24 of 1 July 2016,

Noting that Eritrea is a State party to international and regional human rights instruments, and urging it to comply with its international obligations and its human rights commitments therefrom,

Noting also the participation of Eritrea in the second cycle of the universal periodic review and its acceptance of 92 recommendations, and its programme with the United Nations Development Programme to implement those recommendations, and calling upon the Government of Eritrea to take immediate concrete measures to implement those recommendations,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

Welcoming also the commitment of the Government of Eritrea to the promotion of gender equality, including through its programmes to end female genital mutilation and its campaign to end child, early and forced marriage,

Regretting the lack of cooperation by the Government of Eritrea with the commission of inquiry on human rights in Eritrea and the continued lack of cooperation with the Special Rapporteur on the situation of human rights in Eritrea, including the denial of access to the country,

Recalling the reports of the commission of inquiry,[10] and continuing to express its deep concern at the findings contained therein regarding past and ongoing human rights violations and abuses, such as enslavement, arbitrary detention, enforced disappearance, torture, other inhumane acts, persecution, rape and murder, and that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, and reiterating that all perpetrators of such violations and abuses must be held accountable,

Emphasizing that every citizen has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993 and that the Constitution of 1997 has never been implemented,

Noting with deep concern the findings of the commission of inquiry regarding crimes involving human rights violations and abuses, committed by government and ruling party officials, military commanders and members of the National Security Office,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention in extremely harsh and life-threatening conditions, of persons suspected of evasion of national service, attempting to flee the country or unable to produce identity documents, exercising the right to freedom of religion, or freedom of opinion and expression, including of those perceived as critical of the Government, of those who return to the country after having fled national service, and of those detained in the aftermath of the attempt to take over, on 21 January 2013, the building of the Ministry of Information,

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[10] A/HRC/29/42 and A/HRC/32/47.

Welcoming the release by the Government of Eritrea, following the mediation of the Government of Qatar, of four Djiboutian prisoners of war on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the widespread use of indefinite conscription into national/military service, a system that constitutes forced labour, including in a wide range of economic activities, and the reported forced conscription of children into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Deeply concerned that the situation of human rights in Eritrea is a primary factor in the large number of Eritreans leaving their country, often facing risks of abduction, abhorrent physical and mental abuse and other ill-treatment on their migration path, including abuses by smugglers and human traffickers, while welcoming the participation of the Government of Eritrea in multilateral forums to discuss counter-trafficking efforts,

Noting with deep concern the findings of the commission of inquiry regarding persecution on both religious and ethnic grounds, including of members of non-authorized religious denominations,

1. *Recalls* the report of the commission of inquiry on human rights in Eritrea,[11] stresses the importance of the work of the commission of inquiry and the information it has collected in support of future accountability, and continues to urge the Government of Eritrea to take immediate and concrete steps to implement its recommendations;

2. *Welcomes with appreciation* the work of the Special Rapporteur on the situation of human rights in Eritrea,[12] stresses its deep concern at the ongoing grave violations and abuses outlined therein, and urges the Government of Eritrea to take immediate and concrete steps to implement the recommendations;

3. *Welcomes* the oral update of the Special Rapporteur to the Human Rights Council at its thirty-fourth session;

4. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations and abuses that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

5. *Condemns in particular* the arbitrary detention, enforced disappearances, torture, killing, sexual violence, discrimination on the basis of religion and ethnicity and reprisals for the alleged conduct of family members, and the human rights violations and abuses in the context of indefinite national service, including those involving forced labour, the forced military conscription of children and sexual violence;

6. *Expresses its deep concern* at the severe restrictions on the right to freedom to hold opinions without interference, freedom of expression, including the freedom to seek, receive and impart information, liberty of movement, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, and at the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

7. *Reiterates* that all those responsible for past and present human rights violations and abuses in Eritrea must be held accountable;

8. *Also reiterates* its calls upon the Government of Eritrea:

(*a*) To end its use of arbitrary detention of persons in Eritrea, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

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[11] A/HRC/32/47.

[12] See A/HRC/35/39.

(*b*) To account for all those arbitrarily detained, including members of the G-15 reform group, journalists, political prisoners and those detained in the aftermath of the attempted takeover on 21 January 2013 of the building housing the Ministry of Information, and either to release them or to ensure that they are given a fair and transparent trial without any further undue delay and with full respect for minimum fair-trial guarantees;

(*c*) To put an end to the system of indefinite national service by demobilizing national service conscripts who have completed their mandatory 18 months of service, as announced by the Government of Eritrea, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*d*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the right to freedom of peaceful assembly and association;

(*e*) To ensure free, fair and equal access to an independent and impartial court to challenge the lawfulness of any detention, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and the practice of incommunicado detention, allowing regular access to prisoners for relatives, legal advocates and independent monitoring mechanisms, and to permit prompt and regular unhindered access to medical care;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture and other cruel, inhumane and degrading treatment or punishment, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To end the practice of shooting to wound or kill Eritrean citizens attempting to cross the border to flee the country;

(*i*) To enhance further the promotion and protection of women's rights, including by taking additional measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*j*) To take immediate concrete measures to implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and during the third cycle of the universal periodic review;

(*k*) To end "guilt-by-association" policies that target family members of those who evade national service, seek to flee Eritrea or commit any other acts alleged to be crimes;

(*l*) To ensure the right to form and join political parties and guarantee the right and opportunity of all citizens to take part at all levels in the political process and to vote and be elected in free, fair and transparent democratic elections, guaranteeing the free expression of the will of the people;

(*m*) To strengthen cooperation further with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations;

(*n*) To allow unhindered access to the country to further missions by the Office of the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*o*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the attempted takeover on 21 January 2013 of the building of the Ministry of Information and the 13 Djiboutian combatants still detained;

(*p*) To work to finalize and implement the Constitution of 1997 in consultation with all relevant stakeholders;

9. *Encourages* States in which witnesses reside to protect those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

10. *Welcomes* the Special Rapporteur's preliminary contact with the African Union, and takes note of her recommendations for a regional accountability mechanism, given the assertion by the commission of inquiry that neither a hybrid tribunal nor a truth commission would be a viable option in the current circumstances;

11. *Urges* Eritrea to make available information pertaining to the remaining Djiboutian prisoners of war missing since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

12. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to continue as appropriate the follow-up on the implementation of the recommendations of the commission of inquiry and her recommendations in her report, on the situation of human rights in Eritrea, to submit and present a written report to the Human Rights Council at its thirty-eighth session, and to address and engage in an interactive dialogue with the General Assembly at its seventy-second session;

13. *Also decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea at its thirty-seventh session, with the participation of the Special Rapporteur, the Office of the High Commissioner, civil society and other relevant stakeholders;

14. *Calls upon* the Government of Eritrea to consider the establishment of a presence of the Office of the High Commissioner in Eritrea with a holistic mandate to protect, promote and monitor human rights with unhindered access;

15. *Also calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit the Special Rapporteur and her staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide her with the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

16. *Requests* the Office of the High Commissioner to continue to enhance engagement in improving the situation of human rights in Eritrea, and to present an oral update to the Human Rights Council at its thirty-seventh session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

17. *Calls upon* the Government of Eritrea to immediately stop the practice of demanding that Eritreans in the diaspora sign the B4/4.2 form (the so-called "regret form") in which they accept responsibility for any crime, if committed, before leaving the country, in order to be entitled to consular services from Eritrean diplomatic missions;

18. *Also calls upon* the Government of Eritrea to stop the use of extortion, threats of violence, fraud and other illicit means to collect taxes outside Eritrea from its nationals or other individuals of Eritrean origin, and to abstain from such practices;

19. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

20. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their human rights impact, including with respect to allegations of use of conscript labour;

21. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil her mandate;

23. *Requests* the General Assembly to submit the report and the oral updates of the commission of inquiry to all relevant organs of the United Nations for consideration and appropriate action;

24. *Reiterates its strong encouragement* to the African Union to follow up on the report and recommendations of the commission of inquiry and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

25. *Decides* to remain seized of the matter.

38th meeting
23 June 2017

[Adopted without a vote.]

III. Resolution adopted at the twenty-sixth special session

S-26/1. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling Human Rights Council resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

Recalling also all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Acknowledging that the Government of South Sudan has committed to cooperating with the Office of the United Nations High Commissioner for Human Rights, United Nations special procedures, and the Commission on Human Rights in South Sudan in the fulfilment of its mandate,

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General on South Sudan, the reports of the United Nations Mission in South Sudan, the interim report of the Panel of Experts on South Sudan[13] and the reports of the United Nations High Commissioner for Human Rights,[14]

Deeply alarmed by the statement of the Commission on Human Rights in South Sudan of 1 December 2016 that there is already a steady process of ethnic cleansing under way in several areas of South Sudan using starvation, gang rape and the burning of villages, and deeply alarmed also by the statement of the Special Adviser of the Secretary-General on the Prevention of Genocide of 11 November 2016 that there is a strong risk of violence escalating along ethnic lines, with the potential for genocide, in South Sudan,

Concerned by ethnically motivated incitement to hatred and violence by all sides, reports of targeting of civilians based on ethnicity, and sexual and gender-based violence becoming increasingly widespread,

Deeply alarmed at the escalation of violence in the former State of Central Equatoria, which has resulted in increased flows of refugees into neighbouring countries,

Deeply concerned about the deteriorating situation in South Sudan, which is marked by increasing fragility in the political, security and economic spheres, amid a deepening humanitarian crisis and atrocities committed since the outbreak of violence in December 2013, acute food insecurity, producing mass displacements within South Sudan and outside the country, access restrictions and other impediments to humanitarian assistance, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its reports dated 8 May 2014 and 4 December 2015 and the report of the African Union Commission of Inquiry on South Sudan of 15 October 2014 that the violations and abuses of human rights and the violations of international humanitarian law that have been committed may constitute war crimes and crimes against humanity,

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[13] See S/2016/963.

[14] A/HRC/31/49 and A/HRC/31/CRP.6.

Recalling that the Government of South Sudan has the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Gravely concerned about ongoing reports of increased levels of sexual and gender-based violence and instances of conflict-related rape and gang rape, coupled with beating and abductions, including as reported by the Secretary-General to the Security Council in February 2016,[15] and including the sexual and gender-based violence committed against women and girls in July and August 2016 during the outbreak of fighting in Juba,

Expressing grave concern at the wholesale destruction of villages, the targeting of civilians and health-care facilities, the attacks on places of worship, the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, sexual violence against women exiting protection-of-civilians sites throughout the country, the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Condemning in the strongest terms the violence that broke out between the Government and the armed opposition in early July 2016, and urging all parties to pursue the path of a peaceful resolution to the existing conflict,

Condemning in the strongest terms also all attacks against humanitarian personnel and facilities that have resulted in the death of at least 67 humanitarian personnel since December 2013, including the attack on the Terrain compound on 11 July 2016 and attacks against medical workers and facilities,

Emphasizing the inviolability of United Nations premises, and underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing grave concern that civilians who sought safety in the protection-of-civilians site of the United Nations Mission in South Sudan have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed,

Recalling the need for all parties to the conflict to allow and facilitate, pursuant to United Nations guiding principles of humanitarian assistance, including humanity, neutrality, impartiality and independence, the full, safe and unhindered access of relief personnel, equipment and supplies and the timely delivery of humanitarian assistance to all those in need, in particular to internally displaced persons and refugees,

Recognizing the importance of providing timely assistance and protection to survivors of sexual and gender-based violence, including sexual and reproductive health, psychosocial, legal and livelihood support and other multi-sectoral services for survivors of sexual and gender-based violence, taking into account the specific needs of persons with disabilities,

Emphasizing the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

Expressing particular concern at the severe reduction of democratic space in South Sudan, including through the heightened restrictions on freedom of expression, peaceful assembly and association, including attacks on journalists and media workers, and the limitations on the operations of civil society, human rights defenders and the media, and stressing the responsibility of the Government to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan,

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[15] S/2016/138.

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process and in implementing the Agreement, including by addressing accountability, reparations, truth-seeking and guarantees of non-recurrence,

Welcoming the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, and agreed to the establishment of an independent hybrid court pursuant to the Agreement, and in this regard inviting the Chairperson of the African Union Commission to take all steps necessary to establish this body,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the widespread recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, human rights defenders, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Condemns in the strongest possible terms* the widespread sexual and gender-based violence, including rape and gang rape, which can be used as a weapon of war, in complete impunity, by all armed groups;

3. *Demands* that all actors put a halt to all violations and abuses of human rights and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms;

4. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights assessment team,[15] and takes note of the recommendations contained therein;

5. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission, chaired by Festus Mogae, in monitoring and overseeing the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan and its ceasefire provisions, and urges all parties and international partners to engage constructively with the Commission and other bodies created by the Agreement;

6. *Stresses* that perpetrators of violations of international humanitarian law and violations and abuses of human rights, including any that amount to war crimes or crimes against humanity, should be held accountable;

7. *Calls upon* the Government of South Sudan to investigate all violations and abuses of human rights and violations of international humanitarian law and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses before, during and after legal proceedings;

8. *Urges* the Government of South Sudan to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

9. *Strongly urges* all parties to end and prevent violations and abuses of human rights committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

10. *Recognizes* the important role that women play in building peace, and calls for the protection and promotion of the rights of women, their empowerment and

participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

11. *Supports* the establishment of transitional justice institutions, including an independent hybrid court, and calls upon all parties to cooperate fully in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including chapter V thereof;

12. *Calls upon* the Government of South Sudan to cooperate fully and constructively with, and to provide unhindered access to, the Office of the High Commissioner, the United Nations Mission in South Sudan and the Regional Protection Force, as well as regional, subregional and international mechanisms on the ground;

13. *Decides* to reaffirm the mandate of the Commission on Human Rights in South Sudan, with renewed emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensure that those responsible are held to account, in order to present additional recommendations to the Council at its thirty-fourth session on ending impunity and ensuring accountability;

14. *Requests* the Commission on Human Rights in South Sudan, in response to the present special session, and as soon as feasibly possible, working with the wider United Nations system, to suggest priority recommendations for the Government of South Sudan to consider on how to end sexual and gender-based violence, urges relevant United Nations actors to assist in such implementation as appropriate, and urges the Government of South Sudan to appoint a special representative on sexual and gender-based violence;

15. *Requests* the Office of the High Commissioner to provide the full administrative, technical and logistical support needed to enable the Commission on Human Rights in South Sudan to carry out its mandate;

16. *Acknowledges* that the Government of South Sudan has cooperated with the Office of the High Commissioner, United Nations special procedures, and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate with the Office of the High Commissioner, United Nations special procedures, and the Commission in the fulfilment of its mandate;

17. *Requests* that representatives of the Office of the High Commissioner, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and Peoples' Rights and other stakeholders, as appropriate, be invited to discuss the situation of human rights in South Sudan and the steps taken by the Government of South Sudan to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-sixth session of the Human Rights Council;

18. *Reiterates its request* for the Commission on Human Rights in South Sudan to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-fourth session;

19. *Requests* that the report of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the African Union and all relevant organs of the United Nations for consideration;

20. *Decides* to remain seized of the matter.

2nd meeting
14 December 2016

[Adopted without a vote.]

IV. Thirty-fourth session

A. Resolutions

34/1. Promoting reconciliation, accountability and human rights in Sri Lanka

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Reaffirming Human Rights Council resolution 30/1 of 1 October 2015 on promoting reconciliation, accountability and human rights in Sri Lanka,

Recalling Human Rights Council resolutions 19/2 of 22 March 2012, 22/1 of 21 March 2013 and 25/1 of 27 March 2014,

Reaffirming that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,

Welcoming the visits made to Sri Lanka by the United Nations High Commissioner for Human Rights, from 6 to 9 February 2016, and by the Secretary-General, from 31 August to 2 September 2016,

Welcoming also the visit made by the Working Group on Enforced or Involuntary Disappearances from 9 to 18 November 2015, the advisory visits made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the joint visit by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment from 29 April to 7 May 2016, and the visit by the Special Rapporteur on minority issues from 10 to 20 October 2016,

Welcoming further the steps taken by the Government of Sri Lanka to implement Human Rights Council resolution 30/1, and recognizing in this context the need for further significant progress,

1. *Takes note with appreciation* of the comprehensive report presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fourth session,[16] as requested by the Council in its resolution 30/1, and requests the Government of Sri Lanka to implement fully the measures identified by the Council in its resolution 30/1 that are outstanding;

2. *Welcomes* the positive engagement of the Government of Sri Lanka with the High Commissioner and the Office of the High Commissioner since October 2015, and with relevant special procedure mandate holders, and encourages the continuation of that engagement in the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

3. *Requests* the Office of the High Commissioner and relevant special procedure mandate holders, in consultation with and with the concurrence of the Government of Sri Lanka, to strengthen their advice and technical assistance on the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

4. *Requests* the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes related to

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[16] A/HRC/34/20.

reconciliation, accountability and human rights in Sri Lanka, and to present a written update to the Human Rights Council at its thirty-seventh session, and a comprehensive report, followed by a discussion on the implementation of Council resolution 30/1, at its fortieth session.

56th meeting
23 March 2017

[Adopted without a vote.]

34/2. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of 5 July 2012, 23/10 of 13 June 2013, 25/19 of 28 March 2014, 28/9 of 26 March 2015 and 31/12 of 23 March 2016,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights submitted to the Human Rights Council;[17]

10. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

11. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

56th meeting
23 March 2017

[Adopted without a vote.]

34/3. Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the most recent being Council resolution 31/11 of 23 March 2016,

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[17] A/HRC/34/56.

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the primacy of the means of implementation for the 2030 Agenda for Sustainable Development, and in this regard underlining the fundamental principles of international cooperation, which are pivotal for the practical achievement of the Sustainable Development Goals,

Stressing also the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

Recognizing the commitments made in the Addis Ababa Action Agenda, and noting that, despite international debt relief efforts, many countries remain vulnerable to debt crisis and some are in the midst of a crisis, including a number of least developed countries, small island developing States and some developed countries,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing and some developed countries, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recalling the Basic Principles on Sovereign Debt Restructuring Processes,[18] which emphasize that sovereign debt restructuring workouts should be completed in a timely and efficient manner and lead to a stable debt situation in the debtor State, minimizing economic and social costs, warranting the stability of the international financial system and respecting human rights,

Recognizing the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

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[18] See General Assembly resolution 69/319.

Recognizing also that illicit financial flows, including tax evasion by high net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

2. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Also recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the 2030 Agenda for Sustainable Development, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

4. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

5. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

6. *Also reiterates* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, which directly affects the enjoyment of human rights in debtor States, and calls upon States to consider implementing legal frameworks to curtail predatory vulture fund activities within their jurisdictions;

7. *Takes note with appreciation* of the progress report of the Advisory Committee on the activities of vulture funds and their impact on human rights,[19] and requests the Committee to present a final report thereon to the Human Rights Council at its thirty-ninth session for its consideration;

8. *Welcomes* the work and contributions of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and takes note with appreciation of his latest report submitted to the Human Rights Council;[20]

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[19] A/HRC/33/54.

[20] A/HRC/34/57 and Add.1.

9. *Decides* to extend the mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years, and requests the Independent Expert to pay particular attention to:

(*a*) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular economic, social and cultural rights;

(*b*) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(*c*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(*d*) New developments in and actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(*e*) The effects of public debt, economic reform and financial consolidation policies on the realization of the Sustainable Development Goals;

(*f*) The impact of illicit financial flows on the enjoyment of human rights;

(*g*) The process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

(*h*) Enhancement of consultations with all relevant stakeholders in the fulfilment of the mandate;

10. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her, and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

11. *Urges* international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of his or her mandate;

12. *Requests* the Independent Expert to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, and to undertake thematic research and to provide advice to States, international financial institutions, the private sector and civil society on the effective implementation of the 2030 Agenda in the field of international lending, financial policy and human rights, paying particular attention to Sustainable Development Goals 10 and 17;

13. *Also requests* the Independent Expert to develop guiding principles for human rights impact assessments for economic reform policies, in consultation with States, international financial institutions and other relevant stakeholders, and to organize expert consultations for the development of the guiding principles and a mapping of existing impact assessment tools;

14. *Invites* the Independent Expert to submit his findings and the guiding principles to the Human Rights Council in the context of his annual report;

15. *Requests* the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

16. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

17. *Decides* to continue its consideration of this matter at its thirty-seventh session under the same agenda item.

56th meeting
23 March 2017

[Adopted by a recorded vote of 31 to 16, with no abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Brazil, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

34/4. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also the United Nations Millennium Declaration, in which the heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as peace, development and respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and believing that broad and sustained efforts are needed to build a community of shared future for all human beings,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative sustainable development Goals and targets, the commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of the Agenda by 2030,

Reaffirming also the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, in which States reaffirmed the human rights of all refugees and migrants, regardless of status, and pledged to fully protect such rights, *Recalling* its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action,

Emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal, and its integration into all goals and targets of the 2030 Agenda for Sustainable Development and throughout the implementation process,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 31/5 of 23 March 2016;

2. *Calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

3. *Welcomes* the most recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the realization of economic, social and cultural rights in the implementation of the 2030 Agenda for Sustainable Development, submitted pursuant to Human Rights Council resolution 31/5,[21] and of the conclusions contained therein;

5. *Emphasizes* that the 2030 Agenda marks a paradigm shift towards a more balanced and integrated plan of action for achieving sustainable development that reflects the indivisibility and interdependence of all human rights;

6. *Recognizes* that the 17 Sustainable Development Goals and the 169 targets of the 2030 Agenda cover a wide range of issues relating to economic, social and cultural rights, in particular availability, accessibility, affordability and quality of services, and many dimensions of civil and political rights, as well as issues that are related to domestic resource mobilization, international cooperation and the right to development, and that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law;

7. *Also recognizes* that the commitments made by States in the 2030 Agenda to leave no one behind, and to reach the furthest behind first, founded on the dignity of the

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[21] A/HRC/34/25.

human person, and reflecting the principles of equality and non-discrimination, require the collection of quality, accessible, timely and reliable disaggregated data to help in the measurement of progress across all Goals and targets, and the intensification of efforts to strengthen statistical capacities in developing countries, particularly African countries, least developed countries, landlocked developing countries, small island developing States and middle-income countries;

8. *Notes with appreciation* the contributions of international human rights mechanisms, including the Human Rights Council and its subsidiary bodies, international human rights treaty bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations, encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

9. *Urges* States to consider adopting or further developing procedures for information-gathering and measurement, which may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and are transparent and participatory, and allow for accountability;

10. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard notes with appreciation the measures taken to facilitate access to complaint procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

11. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights in the Covenant;

12. *Recognizes* that the 17 Sustainable Development Goals and 169 targets seek to, inter alia, realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely the economic, social and environmental, and calls upon States to implement the 2030 Agenda consistent with the principles of equality and non-discrimination, and in this regard encourages States to consider appropriate measures to promote de facto equality;

13. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of compliance with the principles of non-discrimination, transparency, participation and accountability;

14. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

15. *Also notes with appreciation* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

16. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

17. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

18. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technology;

19. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the role of economic, social and cultural rights in the transformation towards sustainable and resilient societies;

20. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

56th meeting
23 March 2017

[Adopted without a vote.]

34/5. Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, including Human Rights Council resolutions 16/5 of 24 March 2011, 25/18 of 28 March 2014 and 31/32 of 24 March 2016, and General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December 2015,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Emphasizing the important role that individuals and civil society institutions including non-governmental organizations, groups and national human rights institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

Reiterating the grave concerns expressed by the General Assembly and the Human Rights Council with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them, *Reaffirming* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Stressing that respect and support for the activities of all human rights defenders, including women human rights defenders, are essential to the overall enjoyment of human rights,

Mindful that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

1. *Welcomes* the work and takes note with appreciation of the report of the Special Rapporteur on the situation of human rights defenders,[22] and strongly urges all States to take concrete steps to create, in law and in practice, a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights defenders for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 16/5;

3. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil the mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his or her mandate;

6. *Encourages* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his or her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders;

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[22] A/HRC/34/52

7. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

56th meeting
23 March 2017

[Adopted without a vote.]

34/6. Mandate of the Special Rapporteur on minority issues

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Recalling also all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling further its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on minority issues for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 25/5;

2. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him or her, to provide him or her with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the Special Rapporteur to visit their countries in order to enable him or her to fulfil his or her duties effectively;

3. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop and maintain regular dialogue and cooperation with the mandate holder, and to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur;

5. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.

56th meeting
23 March 2017

[Adopted without a vote.]

34/7. The right to privacy in the digital age

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on

Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Reaffirming the Vienna Declaration and Programme of Action,

Recalling General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, and 45/95 of 14 December 1990 on guidelines for the regulation of computerized personal data files, Human Rights Council decision 25/117 of 27 March 2014 and Council resolution 28/16 of 26 March 2015 on the right to privacy in the digital age, and all other relevant resolutions of the Council, in particular resolutions 33/2 of 29 September 2016 on the safety of journalists, resolution 12/16 of 2 October 2009 and all other resolutions on the right to freedom of opinion and expression, and resolutions 20/8 of 5 July 2012, 26/13 of 26 June 2014 and 32/13 of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, noting with interest its report thereon, and recalling the panel discussion on the right to privacy in the digital age held during the twenty-seventh session of the Human Rights Council,[23]

Welcoming also the work of the Special Rapporteur on the right to privacy, and taking note of the reports of the Special Rapporteur on the right to privacy,[24] of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism[25] and of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,[26]

Noting with appreciation general comment No. 16 (1988) of the Human Rights Committee on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation, while also noting the vast technological leaps that have taken place since its adoption and the need to discuss the right to privacy in view of the challenges of the digital age,

Noting that, in its general comment No. 16, the Human Rights Committee recommended that States take effective measures to prevent the unlawful retention, processing and use of personal data stored by public authorities and business enterprises,

Recalling that the General Assembly in its resolution 71/199 encouraged the Human Rights Council to remain actively seized of the debate on the right to privacy in the digital age with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy, and to consider holding an expert workshop as a contribution for a future report of the United Nations High Commissioner for Human Rights on this matter,

Recognizing the need to further discuss and analyse, on the basis of international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies, the impact of surveillance on the right to privacy and other human rights, as well as the need to examine the principles of non-arbitrariness, lawfulness, legality, necessity and proportionality in relation to surveillance practices,

Recognizing also that the discussion on the right to privacy should be based upon existing international and domestic legal obligations, including international human rights law, and relevant commitments, and should not open the path for undue interference with an individual's human rights,

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[23] See A/HRC/28/39.

[24] A/HRC/31/64, A/HRC/34/60 and A/71/368.

[25] A/HRC/34/61 and A/69/397.

[26] A/HRC/23/40 and Corr.1, A/HRC/29/32, A/HRC/32/38 and A/70/361.

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Recognizing that the right to privacy can enable the enjoyment of other rights and the free development of an individual's personality and identity, and an individual's ability to participate in political, economic, social and cultural life, and noting with concern that violations or abuses of the right to privacy might affect the enjoyment of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Noting that the rapid pace of technological development enables individuals all over the world to use information and communications technology and at the same time enhances the capacity of Governments, business enterprises and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,

Noting also that, while metadata may provide benefits, certain types of metadata, when aggregated, can reveal personal information that can be no less sensitive than the actual content of communications and can give an insight into an individual's behaviour, social relationships, private preferences and identity,

Noting with concern that automatic processing of personal data for individual profiling may lead to discrimination or decisions that otherwise have the potential to affect the enjoyment of human rights, including economic, social and cultural rights, and recognizing the need to further discuss and analyse these practices on the basis of international human rights law,

Expressing concern that individuals often do not provide their free, explicit and informed consent to the re-use, sale or multiple re-sales of their personal data, as the collecting, processing and sharing of personal data, including sensitive data, has increased significantly in the digital age,

Emphasizing that unlawful or arbitrary surveillance and/or interception of communications, and the unlawful or arbitrary collection of personal data, as highly intrusive acts, violate the right to privacy, can interfere with other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association, and may contradict the tenets of a democratic society, including when undertaken extraterritorially or on a mass scale,

Emphasizing also that States must respect international human rights obligations regarding the right to privacy when they intercept digital communications of individuals and/or collect personal data and when they require disclosure of personal data from third parties, including business enterprises,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, and the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights, *Noting* that, while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Emphasizing also that an open, secure, stable, accessible and peaceful information and communications technology environment is important to the enjoyment of human rights, including the right to privacy,

Noting that violations and abuses of the right to privacy in the digital age may affect all individuals, including with particular effects on women, as well as children and persons in vulnerable situations, or marginalized groups,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as well as unlawful or arbitrary interference with their right to privacy as a result of their activities,

Noting that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. *Recalls* that States should ensure that any interference with the right to privacy is consistent with the principles of legality, necessity and proportionality;

3. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technology as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

4. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

5. *Calls upon* all States:

(*a*) To respect and protect the right to privacy, including in the context of digital communications;

(*b*) To take measures to put an end to violations of the right to privacy and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law;

(*c*) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

(*d*) To establish or maintain existing independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;

(*e*) To provide individuals whose right to privacy has been violated by unlawful or arbitrary surveillance with access to an effective remedy, consistent with international human rights obligations;

(*f*) To develop or maintain and implement adequate legislation, with effective sanctions and remedies, that protects individuals against violations and abuses of the right to privacy, namely through the unlawful or arbitrary collection, processing, retention or use of personal data by individuals, Governments, business enterprises and private organizations;

(*g*) To further develop or maintain, in this regard, preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, as well as children and persons in vulnerable situations or marginalized groups;

(*h*) To promote quality education and lifelong education opportunities for all to foster, inter alia, digital literacy and the technical skills required to protect effectively their privacy;

(*i*) To refrain from requiring business enterprises to take steps that interfere with the right to privacy in an arbitrary or unlawful way;

(*j*) To consider appropriate measures that would enable business enterprises to adopt adequate voluntary transparency measures with regard to requests by State authorities for access to private user data and information;

(*k*) To develop or maintain legislation, preventive measures and remedies addressing harm from the sale or multiple resale or other corporate sharing of personal data without the individual's free, explicit and informed consent;

6. *Encourages* all States to promote an open, secure, stable, accessible and peaceful information and communications technology environment based on respect for international law, including the obligations enshrined in the Charter of the United Nations and human rights instruments;

7. *Encourages* all relevant stakeholders to participate in informal dialogues about the right to privacy, and welcomes the contribution of the Special Rapporteur on the right to privacy to this process;

8. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, including the right to privacy in the digital age, and to inform users about the collection, use, sharing and retention of their data that may affect their right to privacy and to establish transparency and policies that allow for the informed consent of users, as appropriate;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law;

10. *Requests* the United Nations High Commissioner for Human Rights to organize, before the thirty-seventh session of the Human Rights Council, an expert workshop with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy in the digital age, including the responsibility of business enterprises in this regard, to prepare a report thereon and to submit it to the Council at its thirty-ninth session;

11. *Encourages* States, relevant United Nations agencies, funds and programmes, intergovernmental organizations, treaty bodies, the special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions, business enterprises, the technical community and other relevant stakeholders to participate actively in the expert workshop;

12. *Decides* to continue its consideration of the matter under the same agenda item.

56th meeting
23 March 2017

[Adopted without a vote.]

34/8. Effects of terrorism on the enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/158 of 16 December 2005, 60/288 of 8 September 2006, 64/297 of 8 September 2010, 66/10 of 18 November 2011 on the United Nations Counter-Terrorism Centre established on the initiative of the United Nations and Saudi Arabia, 68/178 of 18 December 2013, 68/276 of 13 June 2014, 69/127 of 10 December 2014 and 70/148 of 17 December 2015, Commission resolution 2004/44 of 19 April 2004 and Human Rights Council resolutions on terrorism and human rights, including 28/17 of 26 March 2015 and 31/30 of 24 March 2016,

Reaffirming its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, adopted by the General Assembly in its resolution 60/288, and its fifth review,[27]

Reaffirming also the right of the people to live in peace, freedom and security and to be protected at all times from the threat of terrorism,

Reaffirming further that everyone has the right to life, liberty and security of person, as enshrined under article 3 of the Universal Declaration of Human Rights,

Reaffirming that civil, political, economic, social and cultural rights are universal, indivisible, interdependent and interrelated, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Mindful that terrorism may destabilize Governments, undermine societies, jeopardize peace and security and threaten economic and social development, all of which have serious implications for the enjoyment of human rights by all,

Reaffirming that States, under international human rights law, have a due diligence obligation to protect individuals under their jurisdiction from acts of terrorism, to take effective counter-terrorism measures and to investigate and prosecute those responsible for carrying out such acts, and emphasizing the importance of ensuring that counter-terrorism laws and practices are human rights-compliant,

Recognizing that counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing, and must be pursued together as part of the duty of States to protect individuals within their jurisdiction,

Reaffirming the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law,

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[27] See General Assembly resolution 70/291.

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights law and international humanitarian law, as applicable,

Recognizing that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the underlying factors that give rise to terrorism,

Renewing its unwavering commitment to strengthening international cooperation to prevent and combat terrorism in all its forms and manifestations,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms submitted to the Human Rights Council at its thirty-fourth session,[28]

Recognizing that international cooperation and any measures taken by Member States to prevent and combat terrorism must comply fully with their obligations under international law, including the Charter, in particular the purposes and principles thereof, and other relevant international conventions and protocols, international human rights law and international humanitarian law, as applicable,

Emphasizing that mutual respect, tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to this end,

Reaffirming its strongest condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, and emphasizing that terrorism cannot and should not be associated with any religion, nationality or civilization,

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, and the need to continue the fight against terrorism, while promoting and respecting human rights and fundamental freedoms, including through international cooperation and by strengthening, as appropriate, the role of the United Nations in this respect,

Recognizing that terrorism has a detrimental effect on the enjoyment of human rights and fundamental freedoms, such as the right to life, liberty and security of person, and impedes the full realization of economic, social and cultural rights, such as the rights to work, education, health and development, threatening the territorial integrity and security of States, rule of law and democracy and ultimately representing a grave threat to the functioning of societies and to international peace and security,

Expressing its continuing concern at the increasing flow of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to prevent this phenomenon,

Reiterating that all States should fulfil their responsibilities to deny all forms of support for terrorists and terrorist groups, particularly political, military, logistical and financial support, including through the collection of funds by their nationals or persons in their territories, or availing financial assets, for the benefit of terrorist groups or individual terrorists for any purpose, to deny the provision of safe haven to terrorists, to prevent terrorists from benefiting directly or indirectly from ransom payments to terrorist groups, and to bring to justice or, where appropriate, extradite, on the basis of the principle of extradite or prosecute, the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning, preparation or perpetration of terrorist acts or in providing safe havens,

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[28] A/HRC/34/40

Welcoming political commitments, actions and initiatives taken and adopted against kidnapping for ransom in different forums, such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists,

Deeply concerned at the serious crimes committed by terrorist groups and individuals, including foreign terrorist fighters, that have targeted persons and groups on the basis of their ethnic and religious background and involved gross human rights abuses,

Deploring attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including any deliberate destruction of relics, monuments or religious sites,

Recalling its resolution 16/18 of 24 March 2011 and its follow-up resolutions, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and calling for their effective implementation by the international community in order to contribute to a more conducive environment to countering hate speech and violence, including ethnic or religious stigmatization and discrimination,

Affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of human rights, including the right to life, liberty and security of person, as stipulated in article 3 of the Universal Declaration of Human Rights;

2. *Expresses its concern* that terrorists and terrorist groups have targeted Governments, communities and individuals, including on the basis of religion and/or ethnicity;

3. *Expresses concern* at the alarming number of victims caused by the escalating level of terrorist attacks throughout the globe, resulting in numerous casualties and destruction;

4. *Acknowledges* that terrorist attacks have a grave impact on the economy and can harm several economic sectors, including the financial sector and tourism industry, thus hampering the full realization of human rights, fundamental freedoms and development;

5. *Recognizes* that terrorism affects the enjoyment of economic, social and cultural rights, especially by diverting foreign direct investment, reducing capital inflows, destroying infrastructure, hindering public investment, limiting trade, impeding economic growth and increasing security costs;

6. *Reaffirms* the primary responsibility of States to protect persons in their territory by preventing and countering terrorism in all its forms and manifestations, in full compliance with their international law obligations, and urges States, while countering terrorism, to respect and protect all human rights;

7. *Strongly condemns* terrorist acts and violence committed against civilians by terrorist groups and the continued systematic and widespread abuses of human rights perpetrated by such groups, reaffirms that terrorism cannot and should not be associated with any religion, nationality or civilization, and urges the international community to do all it can to prevent any political, logistic or financial support from reaching terrorist groups;

8. *Expresses concern* at the increase in kidnapping and hostage-taking with demands for ransom and/or political concessions being made by terrorist groups, and expresses the need to address this issue;

9. *Reiterates* the obligation of States to prevent and suppress the financing of terrorist acts, including ransom payment, and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, to carry out terrorist acts;

10. *Reaffirms* the obligation of States to refrain from supporting terrorist groups in establishing propaganda platforms inciting to hatred and violence through electronic or satellite means or any other media on their territory;

11. *Urges* States to take appropriate measures to duly investigate the incitement, preparation or perpetration of acts of terrorism, and to bring to justice those engaged in such acts in accordance with national criminal laws and procedures and international human rights law, as applicable;

12. *Also urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with the good practices set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes the development of national centres for counsel and de-radicalization that can play an important role along with criminal justice responses, and in this regard welcomes the role of the Mohamed bin Naif Counselling and Care Centre in countering terrorist ideologies and activities;

13. *Expresses its concern* at the increasing use, in a globalized society, by terrorists and their supporters of information and communications technology, in particular the Internet and other media, to advocate, commit, incite, recruit for, fund or plan terrorist acts, urges States to take appropriate preventive measures in this regard while acting in full compliance with their international law obligations, and emphasizes the importance of cooperation among stakeholders in the implementation of the United Nations Global Counter-Terrorism Strategy, including among States, international, regional and subregional organizations, the private sector and civil society, to address this issue, while respecting human rights and fundamental freedoms and complying with international law and the purposes and principles of the Charter of the United Nations, and reiterates that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, mutual respect and dialogue and understanding among peoples and peace, and in this regard notes with appreciation the constructive role played by the Cyber Observatory of Takfiri Fatwas in Egypt;

14. *Renews* its commitment to strengthening international cooperation to prevent and counter terrorism in accordance with the principles of international law, including the Charter, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and the exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

15. *Calls upon* all States to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

16. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

17. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

18. *Urges* States, the international community and civil society to take measures, including through education, awareness-raising, the media and human rights education and training, to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

19. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms;

20. *Requests* the Human Rights Council Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, and to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Human Rights Council at its thirty-ninth session, to be discussed during the interactive dialogue.

56th meeting
23 March 2017

[Adopted by a recorded vote of 28 to 15, with 4 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Georgia, Kyrgyzstan, Mongolia, Panama]

34/9. Adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling all previous resolutions of the Human Rights Council, and those adopted by the Commission on Human Rights, on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 25/17 of 28 March 2014 and 31/9 of 23 March 2016,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major

United Nations conferences and summits, inter alia, the outcome of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held from 17 to 20 October 2016 in Quito,[29] and underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, including target 11.1,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Takes note in particular* of the report by the Special Rapporteur on the "financialization of housing" and its impact on human rights;[30]

3. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, as set out in Human Rights Council resolutions 15/8 of 30 September 2010 and 25/17 of 28 March 2014;

4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to submit proposals that could support States in the implementation of the housing-related Sustainable Development Goals and targets and the New Urban Agenda;[31]

5. *Notes with appreciation* the cooperation extended to the Special Rapporteur by different actors, and calls upon States:

(*a*) To cooperate fully with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(*b*) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

7. *Requests* the Special Rapporteur to submit an annual report on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their annual programme of work;

8. *Decides* to continue its consideration of this matter under the same agenda item.

56th meeting
23 March 2017

[Adopted without a vote.]

34/10. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 31/16 of 23 March 2016, and other resolutions adopted by the Council, the General Assembly and the Commission on

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[29] See General Assembly resolution 71/235.

[30] A/HRC/34/51.

[31] General Assembly resolution 71/256, annex.

Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, and at instances of religious intolerance, discrimination and violence, inter alia:

(*a*) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(*b*) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(*c*) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(*d*) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(*e*) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(*f*) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(*b*) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(*c*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, on that account, and to bring to justice all perpetrators of violations of these rights;

(*d*) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*e*) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(*f*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(*g*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(*h*) To ensure in particular the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(*l*) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur,[32] in which he presents an overview of his perspectives and vision for activities pursuant to the mandate, and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his or her requests to visit their countries, and to provide him or her with all the information necessary to enable him or her to fulfil the mandate even more effectively;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

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[32] A/HRC/34/50

17. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

18. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

56th meeting
23 March 2017

[Adopted without a vote.]

34/11. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote, protect and respect all human rights and fundamental freedoms,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22 September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012, 68/195 of 18 December 2013, 68/309 of 10 September 2014 and 69/199 of 18 December 2014,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014, 28/5 of 26 March 2015 and 31/22 of 24 March 2016,

Recalling that human rights, as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, are universal, indivisible, interrelated and interdependent,

Reaffirming the commitments of States parties to the United Nations Convention against Corruption thereunder, recognizing that the Convention is aimed at promoting and strengthening measures to prevent and combat corruption more efficiently and effectively, and that the return of assets is one of the objectives and a fundamental principle of the Convention,

Reaffirming also that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence, *Recognizing* that respect for and adherence to the principles of transparency, accountability and participation are critical factors in ensuring use of returned illicit funds,

Recognizing also that fighting corruption at all levels is a priority and that flows of funds of illicit origin deprive countries of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to combat corruption and to facilitate the return of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, and the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention,

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy, and in accordance with the domestic law of the requested State,

Concerned that the relative amount of wealth from developing countries held abroad is much greater than that from developed countries, and that a significant amount of that wealth held offshore may involve illicit funds,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[33] and the inclusion therein of targets 16.4, 16.5, 16.6 and 16.10, which underline the commitment of States to significantly reduce by 2030 illicit financial and arms flows, to strengthen the recovery and return of stolen assets and to combat all forms of organized crime, to substantially reduce corruption and bribery in all their forms and to develop effective, accountable and transparent institutions at all levels, and to ensure public access to information and to protect fundamental freedoms, as implementing these targets will contribute to the enjoyment of all human rights, in particular economic, social and cultural rights,

Welcoming also the adoption by the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, of the Addis Ababa Action Agenda,[34] which underlined, in particular, that measures to curb illicit financial flows will be integral to achieving sustainable development,

Welcoming further the convening of an experts meeting on the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, pursuant to Human Rights Council resolution 28/5,

Noting the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, and international and regional organizations in preventing and combating all forms of corruption,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and full involvement of other stakeholders,

Bearing in mind also that, in accordance with the requirements of the United Nations Convention against Corruption, those who engage in corrupt acts, whether natural or legal persons, should be held accountable and prosecuted by the competent authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purpose of confiscation and appropriate recovery measures,

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[33] General Assembly resolution 70/1.

[34] General Assembly resolution 69/313.

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon, and to coordinate their efforts in this regard,

Recognizing that strong and efficient domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the return of the proceeds of crime,

Noting with appreciation the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, which are aimed at providing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

Affirming the responsibilities of requesting and requested States in the return of the proceeds of crime, cognizant that requesting States must seek return as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that requested States, on the other hand, have a duty to assist and facilitate the return of the proceeds of crime, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Concerned at the challenges and difficulties that both requested and requesting States face in the return of the proceeds of crime, owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles, and noting also the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove,

Asserting the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and the relevant resolutions of the Conference of the State Parties, as well as the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urging all States to step up their efforts to trace, freeze and recover those funds,

Noting the particular concern of developing countries and countries with economies in transition regarding the need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the

United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

1. *Takes note* of the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, focusing on labour rights in the context of economic reform and austerity measures,[35] prepared pursuant to Human Rights council resolution 25/16;

2. *Also takes note* of the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development prepared by the Independent Expert;[36]

3. *Welcomes* the report of the High-level Panel on Illicit Financial Flows from Africa, which highlighted the gravity of the problem of illicit financial flows in the continent, ranging from $50 billion to $60 billion a year;

4. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

5. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin, to their prior legitimate owners or to the victims of the crime;

6. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

7. *Also calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

8. *Asserts* the urgent need to return the proceeds of crime to the requesting countries without conditionalities, in accordance with the United Nations Convention against Corruption and with due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;

9. *Encourages* requested State parties to respond to requests for assistance and to consider adopting such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the United Nations Convention against Corruption, in the absence of dual criminality;

10. *Calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contributes to the achievement of the Sustainable Development Goals;

11. *Reiterates* the importance of full compliance with international human rights law in relation to the return of proceeds of crime, in particular due process rights in criminal or civil law matters against persons presumed to be responsible for corruption, tax evasion or other related criminal conduct and with respect to freezing and forfeiture;

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[35] A/HRC/31/60.

[36] A/HRC/31/61.

12. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the return of the proceeds of crime, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of the proceeds of crime and to strengthen international cooperation in asset recovery;

13. *Notes with appreciation* the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

14. *Notes* the importance of the International Monetary Fund and the World Bank publishing estimates of the volume and composition of illicit financial flows on an annual basis to monitor progress in implementing target 16.4 of the Sustainable Development Goals on illicit financial flows;

15. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to explore further policy responses to the phenomenon;

16. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies;

17. *Underscores* that the repatriation of funds of illicit origin is key for States that are undergoing a democratization and reform process and for improving the realization of economic, social and cultural rights, including the right to development, and for fulfilling their obligation to meet the legitimate aspirations of their peoples;

18. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

19. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the return of the proceeds of crime, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of the proceeds of crime, ensuring their return and the provision of technical assistance to developing countries;

20. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

21. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

22. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to the requesting States in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights, in the

countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

23. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

24. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures;

25. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

26. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on best practices, practical experience and the lessons learned from past cases, while being mindful to seek to add value by building upon existing work in this area through innovative and efficient means;

27. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice, and any other relevant instruments,

28. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

29. *Recalls* the importance of the Implementation Review Mechanism of the United Nations Convention against Corruption, and urges States parties to comply with their obligations in the conduct of country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

30. *Welcomes* the work undertaken by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and requests him to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

31. *Requests* the Human Rights Council Advisory Committee to conduct a study, in continuation of the study requested by the Human Rights Council in its resolution 31/22, on the possibility of utilizing non-repatriated illicit funds, including through monetization

and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with view to supporting the achievement of the Goals of the 2030 Agenda for Sustainable Development, contributing to the enhancement of the promotion of human rights and in accordance with obligations under international human rights law, and to submit the requested study to the Council at its thirty-ninth session;

32. *Also requests* the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, United Nations bodies, including the United Nations Office on Drugs and Crime, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study;

33. *Requests* the United Nations High Commissioner for Human Rights to provide all assistance and financial resources necessary to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Independent Expert in this regard;

34. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and the forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

35. *Decides* to continue its consideration of this matter under the same agenda item.

56th meeting
23 March 2017

[Adopted by a recorded vote of 30 to 1, with 16 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland]

34/12. The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming the importance of the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, and the Rome Declaration on Nutrition and its Framework for Action, adopted in Rome on 21 November 2014,

Acknowledging that the right to food has been recognized as the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and nutritious food, in conformity with, inter alia, the culture, beliefs, traditions, dietary habits and preferences of individuals, that is produced and consumed sustainably, thereby preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in the realization of the right to food by an increased and sustained effort of international cooperation and solidarity, with a view to building a community of shared future for humanity,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Reaffirming that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

Recognizing that, despite the efforts made and the fact that some positive results have been achieved, the problems of hunger, food insecurity and malnutrition have a global dimension and that there has not been sufficient progress in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to adequate food has been threatened to be violated on a substantial scale, as a combination of several major factors, such as the effects of the global financial and economic crisis, environmental degradation, desertification and the impact of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

Recognizing further the need to urgently assist some African countries that are facing drought, starvation and famine threats that could affect millions of people, most of whom are women and children, who risk losing their lives,

Recognizing that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and to sell their products, thereby facilitating the realization of the right to adequate food, while noting the commitment to continuing the agricultural trade discussions as mandated by the World Trade Organization,

Resolved to act to ensure that the promotion, protection and fulfilment of all human rights is taken into account at the national, regional and international levels in measures to address the realization of the right to food,

Recognizing the importance and positive role of smallholder and subsistence farmers, including women farmers, young farmers, family farmers and farmers in less favoured areas, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have, in combination with other factors, resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Recognizing the need to prioritize food security and to end hunger, and the particular vulnerabilities of food systems to the adverse impact of climate change, and, given this situation, that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

Stressing the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

Recalling also the Principles for Responsible Investment in Agriculture and Food Systems, which were endorsed by the Committee on World Food Security at its forty-first session, held in October 2014,

Stressing the importance of the second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United

Nations in Rome from 19 to 21 November 2014, at which the two main outcome documents, namely, the Rome Declaration on Nutrition and the Framework for Action, were endorsed,

Bearing in mind that excessive and unregulated exposure to pesticides can have a severe impact on the enjoyment of human rights, in particular the right to food, as well as the right to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the International Code of Conduct on Pesticide Management, adopted by the Conference of the Food and Agriculture Organization of the United Nations at its thirty-eighth session, in June 2013,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", endorsed by the General Assembly in its resolution 66/288 on 27 July 2012, and reaffirming the principles contained therein,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 die from hunger-related illness and that, as estimated by the Food and Agriculture Organization of the United Nations, about 795 million people in the world remain undernourished owing to the lack of sufficient food for conducting an active and healthy life, including as one of the effects derived from the global food crisis, while, according to the Organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2015*, the number of hungry people in the world remains unacceptably high and the vast majority of hungry people live in developing countries;

5. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing developing countries, especially least developed countries;

6. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Recognizes* that reinforcing the rights of girls and women, especially those who are poor and vulnerable, to education and social protection and that increasing women's participation in decision-making and access to resources in an objective manner are critical for enhancing women's vital role in advancing agricultural development and

food security, and recognizes also in that regard that the promotion of agro-industry through the voluntary dissemination of knowledge, the development and transfer of technology, capacity-building and financial support is a precondition for the involvement of women in advancing agriculture in developing countries;

8. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

9. *Recognizes* the importance of smallholder and subsistence farmers and peasants in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

10. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

11. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

12. *Encourages* States to take steps with a view to progressively achieving the full realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms and to adopt national plans to combat hunger;

13. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food, and encourages States to increase such cooperation as a complement to North-South cooperation and to promote triangular cooperation further;

14. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

15. *Stresses* that the primary responsibility of States is to promote and protect the right to food, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, achieving food security, with special attention to the specific needs of women and girls, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

16. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under articles 2 (1) and 11 (2), in particular with regard to the right to adequate food;

17. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human

rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

18. *Recognizes* that 70 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the right to food;

19. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

20. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take new actions to combat the root causes of the often disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

21. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[17] held on 22 and 23 September 2014, and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

22. *Requests* all States, private actors, international organizations and agencies, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

23. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

24. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

25. *Notes with appreciation* the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

26. *Recognizes* the importance of giving due consideration to the adverse impact of climate change on the full realization of the right to food;

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[17] General Assembly resolution 69/2.

27. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

28. *Calls for* a successful, development-oriented outcome of the trade negotiations of the World Trade Organization, in particular on the remaining issues of the Doha Development Round, as a contribution to the creation of international conditions permitting the full realization of the right to food;

29. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

30. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

31. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

32. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, and the relevant United Nations agencies, funds and programmes, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Sustainable Development Goal 2 and other food and nutrition-related targets;

33. *Reaffirms* that integrating food and nutritional support with the goal of ensuring that all people at all times have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

34. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

35. *Stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each State has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

36. *Calls upon* States to heed the urgent United Nations humanitarian appeal to assist countries facing drought, starvation and famine with emergency aid and urgent funding, and underlines that if no immediate response is received, an estimated 20 million people, most of whom are women and children, risk losing their lives;

37. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

38. *Calls upon* the private sector, including transnational corporations, to support investment and innovation, recognizing women's economic empowerment, to help to, inter alia, increase the participation of small-scale farmers in markets and agriculture food chains;

39. *Encourages* the Special Rapporteur to continue her collaboration with relevant international organizations and United Nations agencies, funds and programmes, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

40. *Underlines* the importance of effective remedies for violations of the right to food;

41. *Invites* States to promote practices that minimize potential health and environmental risks associated with pesticides, while ensuring their effective use;

42. *Encourages* farmers to adopt agricultural production practices that enhance biodiversity and soil fertility, and to adopt measures such as crop rotation, cover crops, low till, integrated pest management and crop selection appropriate for local conditions;

43. *Takes note with appreciation* of the report of the Special Rapporteur;[38]

44. *Supports* the fulfilment of the mandate of the Special Rapporteur, as established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

45. *Requests* the Special Rapporteur, as part of the mandate, to continue to monitor the evolution of the world food crisis and, in the context of the mandate and regular reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

46. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

47. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

48. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

49. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-seventh session;

50. *Decides* to continue consideration of this matter under the same agenda item at its thirty-seventh session.

56th meeting
23 March 2017

[Adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates,

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[38] A/HRC/34/48.

United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:
United States of America

Abstaining:
Republic of Korea]

34/13. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Reaffirming Human Rights Council resolutions 27/21 of 26 September 2014 and 30/2 of 1 October 2015, and General Assembly resolutions 69/180 of 18 December 2014 and 70/151 of 17 December 2015,

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Reaffirming that no State may use or encourage the use of any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Recognizing that unilateral coercive measures in the form of economic sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Alarmed by the fact that most current unilateral coercive measures have been imposed, at great cost, in terms of the human rights of the poorest and of persons in vulnerable situations, on developing countries by developed countries,

Underlining that under no circumstances should people be deprived of their basic means of survival,

Recognizing that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws and regulations imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the seventeenth Summit of Heads of State and Government of the Non-Aligned Movement, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming that unilateral coercive measures are major obstacles to the implementation of the Declaration on the Right to Development,

Concerned that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Underlining that, in each situation worldwide, unilateral coercive measures have a negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law, and on the economy, peace, security and social fabric of States,

Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

Recalling also article 1 (2), common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the

rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Urges* all States to refrain from imposing unilateral coercive measures, also urges the removal of such measures, as they are contrary to the Charter and norms and principles governing peaceful relations among States at all levels, and recalls that such measures prevent the full realization of economic and social development of nations while also affecting the full realization of human rights;

3. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

4. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

5. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights or peremptory norms and other provisions of customary law, and entails adverse consequences for the enjoyment of human rights by innocent people;

6. *Also expresses its grave concern* that, in some countries, the situation of children and women is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

7. *Reiterates* its call upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are parties by putting an immediate end to such measures;

8. *Reaffirms* in this context the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

9. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

10. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

11. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

12. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

13. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application;

14. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

15. *Stresses* the need for an independent mechanism of the United Nations human rights machinery for the victims of unilateral coercive measure to address the issues of remedies and redress, with a view to promote accountability and reparations;

16. *Urges* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling his mandate;

17. *Recognizes* the importance of the quantitative and qualitative documentation of the negative impact associated with the application of unilateral coercive measures in the context of ensuring the accountability of those responsible for human rights violations resulting from the application of unilateral coercive measures against any State;

18. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and under the universal periodic review;

19. *Decides* to give due consideration to the issue of the negative impact of unilateral coercive measures on human rights in its task concerning the implementation of the right to development;

20. *Takes note with interest* of the report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the Human Rights Council panel discussion on unilateral coercive measures and human rights;[39]

21. *Recognizes* the importance of the role of the Office of the High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;

22. *Requests* the High Commissioner, in discharging his functions in relation to the promotion and protection of human rights, to pay due attention and to give urgent consideration to the present resolution;

23. *Also requests* the High Commissioner to, in accordance with paragraph 19 of Human Rights Council resolution 27/21, organize for the thirty-sixth session of the Council the biennial panel discussion on the issue of unilateral coercive measures and human rights, and requests the Office of the High Commissioner to prepare a report on the panel discussion for submission and presentation to the Council at its thirty-seventh session, focusing in particular on the resources and compensation necessary to promote accountability and reparations;

24. *Takes note with interest* of the report of the Special Rapporteur,[40] and requests him to continue to pay special attention and identify immediate solutions to the negative impact of unilateral coercive measures on the enjoyment of human rights of victims, and to focus on the resources and compensation necessary to promote

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[39] A/HRC/31/82.

[40] A/HRC/33/48.

accountability and reparations for victims in his next report to the Human Rights Council and to the General Assembly;

25. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his tasks, and to provide all necessary information requested by him;

26. *Urges* the High Commissioner, relevant special procedures of the Human Rights Council and the treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;

27. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

28. *Decides* to continue its consideration of the issue of the negative impact of unilateral coercive measures on human rights in accordance with its programme of work.

57th meeting
24 March 2017

[Adopted by a recorded vote of 32 to 14, with no abstentions.* The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian State of)

Against:

Albania, Belgium, Croatia, Georgia, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

34/14. Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments relevant to the right to work, as well as the Beijing Declaration and Platform for Action and the outcome documents of its review and the 2030 Agenda for Sustainable Development,[41]

Reaffirming also Human Rights Council resolutions 28/15 of 26 March 2015 and 31/15 of 23 March 2016 on the right to work,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social

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* The representative of Germany subsequently stated that the delegation's vote had not been registered for technical reasons, and that Germany had intended to vote against the draft resolution.

[41] General Assembly resolution 70/1.

Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution concerning gender equality at the heart of decent work, adopted by the Conference at its ninety-eighth session, on 17 June 2009, and the resolution of the International Labour Organization on the follow-up to its Declaration on Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and recalling the recently launched centenary initiatives of the Organization on the future of work and on women at work,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, in relation to the right to work,

Acknowledging also the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full and productive employment and decent work for all and the full realization of the right to work, recognizing the important contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women, and recognizing also the important ongoing work of the Secretary-General's high-level panel on women's economic empowerment to look at the best ways to unlock the power of women to work and achieve their financial independence,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development, and that they require a multidimensional focus that incorporates Governments, the private sector, national human rights institutions, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women;[42]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment

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[42] A/HRC/34/29

under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for women whose freedom is frequently compromised by discriminatory legal provisions or forced labour;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish its use in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of education and employment and to tackle any legal, social or structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities and women in vulnerable situations in all regions continue to face

multiple and intersecting forms of inequality and discrimination, which represent significant obstacles in exercising their right to work on an equal basis with others, and that they are frequently subject to less favourable conditions of pay, precarious, often informal working conditions and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities;

12. *Underscores* the responsibility of the State to prevent the engagement of children in the worst forms of child labour and to protect them from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that, according to the report of the International Labour Organization *World Employment Social Outlook: Trends 2017*, global unemployment is expected to rise in 2017 compared with 2016 by 3.4 million, of which a sizeable proportion are young people, and that the international economic and financial crisis has had a severe impact in that regard, and notes with concern that the global level of women's participation in the labour force is 27 per cent lower than that of men;

14. *Notes with concern* that, according to the report of the International Labour Organization *Women at Work: Trends 2016*, women's labour force participation in 2015 was estimated to be 49.6 per cent globally compared with 76.1 per cent for men, and that women workers are disproportionately represented in the informal economy as well as non-standard forms of employment, such as part-time and temporary contracts or self-employment, which can on many occasions compromise their job security, working conditions and social protection, and that, in developing countries, the share of women in underemployment exceeds that of men;

15. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, to keep up with a growing labour force and, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing the right to work, emphasizes that full and productive employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability;

16. *Stresses* that technical and vocational education, including in science, technology, engineering and mathematics, and lifelong learning opportunities and guidance for all, including women with disabilities, are necessary for the realization of the right to work;

17. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, and emphasizes that there are targets therein to "by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value" (target 8.5 of the Sustainable Development Goals) and to "recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate" (target 5.4 of the Sustainable Development Goals), strengthening the efforts towards gender equality and the empowerment of women and girls, and calls for the implementation of its relevant goals and targets;

18. *Stresses* that the Sustainable Development Goals promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking and, to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full and productive employment and decent work for all women and men by 2030;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full and productive employment and decent work for all;

21. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women, by, inter alia, considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, especially those that are owned by women, as well as considering investing in infrastructure, services and social protection systems to allow for equitable sharing of care responsibilities between men and women;

22. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth, full and productive employment and decent work for all, noting the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals by 2030, and recalling the need to promote the implementation of the Guiding Principles on Business and Human Rights, as well as the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women and the Global Compact;

23. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all, and the importance of promoting women's equitable representation, participation and leadership in such organizations;

24. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development of all nations and fully inclusive and equitable globalization;

25. *Encourages* States to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of the equality of men and women, the same rights;

26. *Calls upon* States to implement effective and targeted measures to ensure women's equal access to decent work and full and productive employment, including through investments in care infrastructure, policies and employment services that address specific challenges faced by women and policies that aim at removing conditions disadvantageous to women during the recruitment process, and to monitor the implementation of the regulatory measures aimed at protecting women against unfair treatment or arbitrary dismissals on account of sex, pregnancy or childbirth and assessing their effectiveness, while providing access to effective remedies;

27. *Recognizes* the importance of addressing the root causes that contribute to lesser participation of women in entrepreneurial activities and business ownership, and that financial inclusion is critical for promoting women's access to means of production, including through access to credit and financial services;

28. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination and violence, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

29. *Encourages* States to take all appropriate measures to prohibit discrimination in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement, and to pay particular attention to women facing multiple and intersecting forms of inequality and discrimination and women in vulnerable situations, including women with disabilities, whose labour rights are often violated;

30. *Acknowledges* that the promotion of greater involvement by women in policymaking, law-making processes and workers' and employers' organizations is called for;

31. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, special procedures, civil society, national human rights institutions and other stakeholders, on the relationship between the realization of the right to work and the implementation of relevant targets in the Sustainable Development Goals, in accordance with States' respective obligations under international human rights law, to indicate the major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its thirty-seventh session;

32. *Decides* to remain seized of the matter.

57th meeting
24 March 2017

[Adopted without a vote.]

34/15. Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness and other relevant international instruments,

Recalling the obligation of States to register all children, without discrimination of any kind, immediately after birth, which is an important element of the protection and realization of all human rights, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party, *Recognizing* that birth registration and the right to recognition everywhere as a person before the law is closely linked to the realization of all other human rights, and therefore underlining the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed to promoting and protecting human rights,

Welcoming the commitment of States to leave no one behind, and recalling that the provision of legal identity for all, including birth registration, is included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16,

Recognizing that the full implementation of this target will have both a direct and an indirect impact on the achievement of other targets and goals, *inter alia* social protection, protection in emergencies, access to financial and economic resources, the elimination of all forms of discrimination and violence against women and children everywhere, and access to quality education,

Welcoming the continuing efforts of the Committee on the Rights of the Child and other treaty-based bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

Recalling the resolutions adopted by the General Assembly and the Human Rights Council in which they call upon States to ensure the registration of all children immediately after birth, and without discrimination of any kind, the most recent being Assembly resolution 71/177 of 19 December 2016 and Council resolution 28/13 of 23 March 2015,

Recognizing the importance of birth registration, including late birth registration and provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law, and as a critical means of preventing statelessness,

Welcoming the 10-year "I Belong" campaign of the Office of the United Nations High Commissioner for Refugees, which is aimed at ending the legal limbo of statelessness that affects millions of people around the world,

Expressing concern that unregistered individuals may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the rights to a name and to acquire a nationality, and rights related to health, education, social welfare, work and political participation, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all his or her human rights, and that persons without birth registration are more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when they take the form of child labour, human trafficking, child, early and forced marriage, and unlawful child recruitment,

Recognizing that free birth registration and free or low-fee late birth registration are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve internationally agreed development goals,

Recognizing also that non-governmental organizations, professional associations, the media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of community awareness of birth registration in a manner that reflects national priorities and strategies,

1. *Expresses deep concern* at the fact that, despite ongoing efforts to increase the global rate of birth registration, according to the United Nations Children's Fund nearly one quarter of births of the global population of children under 5 have never been registered;[41]

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[41] See A/HRC/33/22.

2. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of migrants, non-nationals, asylum seekers, refugees and stateless persons, in accordance with their national law and their obligations under the relevant international instruments, and that late birth registration should be limited to those cases that would otherwise result in a lack of registration;

3. *Reaffirms* that the provision of legal identity for all, including birth registration by 2030, can contribute to prevent, inter alia, marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when it takes the form of child labour, human trafficking, child, early and forced marriage, and unlawful child recruitment;

4. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on strengthening policies and programmes for universal birth registration and vital statistics development,[illegible] which refers to the international legal framework related to birth registration, the progress and challenges towards the universality of this right, and existing policies and programmes aimed at universal birth registration and vital statistics development;

5. *Calls upon* States to establish or strengthen existing institutions at all levels responsible for birth registration and to consider the development of comprehensive civil registration systems, and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase, as needed, the accessibility of birth registration facilities within its territory and, in accordance with relevant international law, abroad, either by increasing the number or through other means, such as mobile birth registration officials in rural areas, paying attention to the local community level, promoting community awareness and working to address the barriers faced by vulnerable groups, such as persons with disabilities, in their access to birth registration;

6. *Also calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records, inter alia, due to emergency or armed conflict situations, including through the use of digital and new technologies as means to facilitate and universalize access to birth registration, and also to strengthen civil registration and vital statistics, which are key for the collection of disaggregated data for monitoring the Sustainable Development Goals;

7. *Further calls upon* States to assess the potential risk to privacy and to take steps to protect individuals from discrimination and harm when determining the information included in a birth certificate, particularly details concerning origin, race, ethnicity, religion and parents' marital status, and to consider reflecting on birth certificates only minimum information, such as the child's name, gender, date and place of birth, and when available, parents' names, citizenship and addresses;

8. *Calls upon* States to protect personal information obtained through birth registration or other civil registration processes that may be used to discriminate against an individual;

9. *Also calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

10. *Further calls upon* States to raise awareness of birth registration continuously at the national, regional and local levels, including by engagement in collaboration with all relevant actors, such as national human rights institutions, the public and private sectors and civil society organizations, in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

11. *Calls upon* States to ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant national services and programmes, in accordance with national and international human rights law;

12. *Urges* States to identify and remove physical, administrative, procedural and any other barriers that impede access to birth registration, including late registration, paying due attention to, among others, those barriers relating to poverty, disability, gender, age, adoption processes, nationality, statelessness, displacement, illiteracy and detention contexts, and to persons in vulnerable situations;

13. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

14. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

15. *Takes note* of the Principles on Identification for Sustainable Development, which aim to strengthen identification systems and to foster cooperation around the implementation of the Sustainable Development Goals, and invites States and other actors to consider endorsing them;

16. *Invites* relevant United Nations agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

17. *Recognizes* the importance of international cooperation in supporting national efforts to ensure universal birth registration, including the exchange of good practices and technical assistance;

18. *Requests* the High Commissioner to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and programmes, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations;

19. *Also requests* the High Commissioner to prepare, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, a report on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk, marginalized and living in situations of conflict, poverty, emergency and vulnerability, including children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons, taking into account the commitment to implement target 16.9 of the Sustainable Development Goals, and to submit the report to the Human Rights Council at its thirty-ninth session;

20. *Decides* to consider this issue in accordance with its annual programme of work.

57th meeting
24 March 2017

[Adopted without a vote.]

34/16. Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 31/7 of 23 March 2016 and Assembly resolution 71/177 of 19 December 2016,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation and survival and development, provide the framework for all actions concerning children,

Welcoming the work of the Committee on the Rights of the Child and of other treaty bodies, and noting in particular the general comments of the Committee,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular the work of the Special Rapporteur on the sale of children, child prostitution and child pornography, and of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, and taking note with appreciation of their recent reports,[44]

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and expressed its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business and recognizing that achieving the Sustainable Development Goals can help ensure that children can assert and enjoy their rights,

Recalling further that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter of the United Nations, grounded in the Universal Declaration of Human Rights, international human rights treaties, including the Convention on the Rights of the Child and its Optional Protocols, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, the Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and reaffirming the outcomes of all major United Nations conferences and summits which have laid a solid foundation for sustainable development and have helped to shape the new Agenda, including the Rio Declaration on Environment and Development, the World Summit on Sustainable Development, the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the United Nations Conference on Sustainable Development, and the follow-up to these conferences, and that the Agenda is to be implemented, followed up on and reviewed in a manner that is consistent with the obligations of States under international law,

Welcoming the entry into force of the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, noting that climate change exacerbates risks to those in the most vulnerable situations, including children, and underlining that the effective implementation of the Agreement reinforces the 2030 Agenda,

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[44] A/HRC/34/55, A/HRC/34/45 and A/HRC/34/44.

Cognizant that the 17 Sustainable Development Goals and 169 targets contained in the 2030 Agenda are aimed at realizing the human rights of all, leaving no one behind and reaching those furthest behind first by, inter alia, achieving gender equality and the empowerment of women and girls, and that the achievement of all the Goals and targets may contribute to the realization of the rights of the child,

Deeply concerned that, globally, 18,000 children still die each day from poverty-related causes, nearly one in four children under the age of 5, out of an estimated total of 159 million, have stunted growth, particularly in developing countries, and 6.1 per cent are overweight,

Recognizing that, while under-5 mortality has declined globally, an estimated 5.9 million children under the age of 5 died in 2015, with a global under-5 mortality rate of 43 per 1,000 live births,

Concerned that 1 million girls under 15 give birth every year, and that the risk of maternal mortality is highest for adolescent girls under 15 years of age,

Deeply concerned that, every five minutes, a child dies as a result of violence and that, globally, in the past year, 1 billion children between 2 and 17 years of age experienced physical, sexual, emotional or multiple types of violence, with an estimated 120 million girls and 73 million boys having been victims of sexual violence at some point in their lives, and particularly welcoming in this respect target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children,

Deeply concerned also that more than 200 million girls and women alive today have undergone female genital mutilation and that 3 million girls are at risk of undergoing female genital mutilation every year, and expressing further concern that more than 720 million women alive today were married before their eighteenth birthday and that more than one in three (about 250 million) entered into such a union before the age of 15, and that, although boys are affected, child, early and forced marriage disproportionately affects girls,

Still concerned that 168 million children are engaged in child labour, with half of that number working in the worst forms of labour, that 5.5 million children are in forced labour, and that nearly 50 million children are at increased risk of child labour, modern slavery and human trafficking,

Alarmed that, of 263 million school-age children worldwide, nearly 1 in 10 were out of school in 2015 and that 1 in 5 of those children had dropped out,

Recognizing that children are disproportionately affected in complex humanitarian emergencies, increasing their vulnerability as refugees, internally displaced persons or migrants, and recalling that, around the world, nearly 50 million children have migrated across borders or been forcibly displaced, including more than 10 million refugee children and more than 98,000 unaccompanied and separated children, and that children now comprise half of all refugees,

Considering that the pledge made in the 2030 Agenda to leave no one behind involves addressing multiple forms of inequality and discrimination, and provides an opportunity to tackle inequities faced by children, especially those who are marginalized or in vulnerable situations, who face stigmatization, discrimination, violence or exclusion, that require a multidimensional approach to realizing children's rights and full potential, and empowering them as agents of change,

Noting global initiatives and partnerships to assist countries in the implementation of the commitments of the 2030 Agenda, inter alia, the Global Strategy for Women's, Children's and Adolescents' Health (2016-2030), the Partnership for Maternal, Newborn and Child Health, the Global Partnership to End Violence Against Children, the Global Programme to Accelerate Action to End Child Marriage, the Joint Programme on Female Genital Mutilation/Cutting, the High Time to End Violence against Children initiative, Alliance 8.7 to eradicate forced labour, modern slavery, human trafficking and child labour, the Global Partnership for Education, the Global Education First Initiative, the Global Alliance for reporting progress on promoting peaceful, just and inclusive societies, the We Protect Global Alliance to End Child Sexual Abuse Online, and the Fast-Track strategy to end the AIDS epidemic by 2030, and tools such as the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age,[45]

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development;[46]

2. *Calls upon* States to take all necessary measures to ensure the enjoyment by children of all their human rights, without discrimination of any kind, including in efforts to achieve the Goals and targets of the 2030 Agenda;

3. *Reaffirms* that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, that the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted;

I. A child rights-based approach to implementing the 2030 Agenda

4. *Calls upon* States to promote, protect, respect and fulfil the rights of the child and to mainstream them into all legislation, policies, programmes and budgets, as appropriate, aimed at implementing the 2030 Agenda;

5. *Also calls upon* States to leave no child behind in the implementation of all the Goals and targets of the 2030 Agenda, and to pay particular attention to children in marginalized and vulnerable situations, such as but not limited to children with disabilities, children affected by HIV/AIDS, pregnant girls, children affected by armed conflict and in refugee situations, children belonging to national or ethnic, religious and linguistic minorities, children living in poverty, children in alternative care, migrant children, including unaccompanied migrant children, children seeking asylum, stateless children, children involved with the criminal justice system, including those deprived of liberty, indigenous children, children recruited or at risk of recruitment by organized criminal groups and armed groups, and children with special needs;

6. *Encourages* States to promote a child rights-based approach in the implementation of the 2030 Agenda, in accordance with their obligations under international law and underpinned by the principles of, inter alia, human rights and fundamental freedoms for all, equality and non-discrimination, the best interests of the child, the child's right to life, survival and development and participation, sustainability, transparency, international cooperation and accountability;

7. *Emphasizes* the importance of children's rights as an integral part of sustainable development strategies, and urges States to integrate a child rights perspective into their respective national development frameworks, taking into account those in the most marginalized and vulnerable situations, to ensure that no child is left behind and that those furthest behind are reached first;

8. *Reaffirms* the Addis Ababa Action Agenda, which is an integral part of the 2030 Agenda, in which it is recognized that investing in children is critical to achieving inclusive, equitable and sustainable development for present and future generations, and the vital importance of promoting and protecting the rights of all children and ensuring that no child is left behind, and recalling Council resolution 28/19 on better investment in the rights of the child, of 27 March 2015;

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[45] See A/HRC/27/31.

[46] A/HRC/34/27.

(*a*) Encourages States to mobilize and allocate domestic resources, and where necessary, international resources, including for the realization of the rights of the child, as an essential element to achieving the Sustainable Development Goals;

(*b*) Invites private sector involvement in a way that positively contributes to the implementation of the Sustainable Development Goals and respects and promotes the realization of the rights of the child;

9. *Recalls* that the means of implementing the targets under each Sustainable Development Goal and Goal 17 are key to realizing the 2030 Agenda and are of equal importance as the other Goals and targets, and that implementation will require a partnership bringing together Governments, the private sector, civil society, the United Nations system and other actors and the mobilization of all available resources;

10. *Urges* States, international organizations, including the United Nations system organizations, funds, programmes, financing mechanisms, financial institutions and other relevant stakeholders, in coordination with national Governments, to enhance international support for implementing effective and targeted capacity-building in developing countries, to support national plans to implement all of the 2030 Agenda, including with the aim of realizing the rights of the child;

11. *Calls upon* States, including through bilateral, regional and global cooperation programmes and technical partnerships, to meet the internationally agreed targets, including the United Nations targets for international development assistance, and emphasizes the role of international cooperation in support of national and subnational efforts and in raising capacities, including at community level, for the protection of the rights of the child in the implementation of the 2030 Agenda;

12. *Calls upon* States to work on the development of child rights-sensitive national, including subnational, and regional indicators, where applicable, taking into account indicators developed by appropriate global and regional forums, to measure progress, report and identify gaps in the implementation of the 2030 Agenda, guided by the Convention on the Rights of the Child and its Optional Protocols and other relevant international treaties;

13. *Encourages* States to strengthen their capacities to monitor progress towards the implementation of the 2030 Agenda by improving the collection, analysis, dissemination and utilization of data and statistics, disaggregated by income, sex, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant to national contexts, mindful of a children's rights perspective;

14. *Recognizes* the right of the child to be registered immediately after birth, and calls upon all States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind, and that vital statistics are collected for all children, particularly those in situations of vulnerability, through comprehensive civil registration systems that are accessible and affordable;

15. *Encourages* States to make comprehensive and comparable disaggregated data and information on children publicly available in a timely manner, while protecting their privacy, and to ensure that children have access to information in child-friendly formats and in a manner they understand, and to this end, to make better use of the possibilities of digital solutions and technologies, as appropriate;

16. *Calls upon* the United Nations system and all its relevant actors in the promotion and protection of the rights of the child, the members of the Committee for the Coordination of Statistical Activities, international organizations and the international donor community to intensify support for enhancing the capacity of national statistics offices in developing countries, to enable them to undertake effective data collection and analysis as mandated and envisioned by the Sustainable Development Goals and, in furtherance of the Goals, to ensure the promotion and realization of the rights of the child;

17. *Encourages* States, building on existing national mechanisms, in particular national human rights institutions, and review processes, with broad multi-stakeholder

participation, to review the national legal and policy framework, track progress and lessons learned, consider solutions and ensure that laws, policies and programmes are oriented to meet the Sustainable Development Goals and targets and human rights obligations, and as such integrate the rights of the child to ensure their respect and promotion;

18. *Also encourages* States to take into account in national reviews of progress on the Sustainable Development Goals the reports and recommendations from the existing human rights review processes in which States already participate, incorporating information from existing national mechanisms for oversight and review on matters related to the rights of the child, including the parliament, local government, national human rights institutions and ombudsmen's and standing national reporting and coordination mechanisms for human rights, as appropriate;

19. *Acknowledges* the relevant role played by civil society organizations in supporting the implementation of the 2030 Agenda, and recognizes their active participation and contribution in the follow-up and review processes through the established mechanisms, particularly in relation to the rights of the child;

20. *Encourages* the private sector to work to ensure the alignment of their activities with international human rights law and relevant standards, including those related to the rights of the child, the Guiding Principles on Business and Human Rights and the Children's Rights and Business Principles of the United Nations Children's Fund, through the undertaking of child-rights due diligence with a view to identifying, preventing and mitigating the possible negative impact of their operations on the enjoyment of the rights of the child;

21. *Recognizes* that a child who is capable of forming his or her own views should be assured the right to express those views freely, without discrimination on any ground, in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity, and calls upon States, as appropriate, to promote knowledge among children about the 2030 Agenda and the rights of the child, and to facilitate, including through funding, the meaningful participation and active consultation of children in all issues affecting them related to the implementation, monitoring and follow-up and review of the 2030 Agenda, taking into account the best interests of the child;

II. Promotion and protection of the rights of the child in the 2030 Agenda

22. *Urges* States to take all the measures necessary to implement fully the objectives of the 2030 Agenda to contribute to the realization of the rights of the child by, inter alia:

(*a*) Eradicating extreme poverty and reducing the number of children living in poverty by, inter alia, implementing social security systems, including social protection floors, that guarantee access to essential health care and basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;

(*b*) Sustaining efforts to ensure that the right of the child to the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, including by attaining all goals and targets related to Goal 3;

(*c*) Continuing to take measures to ensure that all girls and boys, including children in vulnerable situations, those who are marginalized or vulnerable and those who face stigmatization, discrimination or exclusion, complete free, equitable and quality primary and secondary education and have access to early childhood development, care and pre-primary education in safe, non-violent, inclusive and effective learning environments, as well as eliminating gender disparities in education;

(*d*) Protecting children from all forms of discrimination and eliminating all forms of violence against children in all settings, including torture of children, maltreatment, neglect, sale, abuse, exploitation, trafficking, sexual and other types of exploitation, securing the eradication of forced labour and the prohibition and elimination of the worst forms of child labour, including unlawful recruitment and use of child soldiers, and putting an end to child labour in all its forms and the recruitment of children by organized criminal groups, ensuring that all children have equal access to justice and accountable and transparent institutions, and providing legal identity documents, including birth certificates, to all children;

(*e*) Achieving gender equality and the empowerment of all young women and girls by ending all forms of discrimination and violence against them in the public and private spheres, including trafficking and sexual and other types of exploitation, and eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation, including by attaining all Goals and targets related to Goal 5;

23. *Calls upon* States to provide human rights education, and to promote children's empowerment and participation, as a means of preventing and counteracting violence, exploitation and abuse of children;

24. *Recognizes* that poverty, inequality, global health threats, natural disasters, humanitarian emergencies and forced displacement, as well as violence, spiralling armed conflict and terrorism, threaten to reverse much of the development progress made, and that natural resource depletion, food and water scarcity and the adverse impact of environmental degradation, climate change and urban development pose additional challenges, and therefore calls upon States, as appropriate, to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, and to strengthen support to meeting the special needs of children, in particular the most vulnerable, with a view to provide all children with a nurturing environment for the full realization of their rights and capabilities;

III. Mainstreaming the rights of the child in the implementation of the Agenda 2030

25. *Affirms* the commitment to integrate effectively the rights of the child in its work, and in that of its mechanisms, in a regular, systematic and transparent manner, taking into account the 2030 Agenda, and the specific needs of boys and girls, including those in vulnerable situations, those who are marginalized and those who face stigmatization, discrimination or exclusion;

26. *Encourages* the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective into the implementation of their mandates and to include in their reports information, qualitative analysis and recommendations on child rights, including on progress and gaps in the implementation of the 2030 Agenda;

27. *Invites* all human rights treaty bodies to integrate the rights of the child into their work, particularly in their concluding observations, general comments and recommendations, giving full consideration to the promotion and protection of the rights of the child in the implementation of the 2030 Agenda;

IV. Follow-up

28. *Requests* the United Nations High Commissioner for Human Rights to contribute to the work of the high-level political forum on sustainable development, in consultation with relevant stakeholders, including the United Nations Children's Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, and civil society, particularly by providing inputs from a child rights perspective to the yearly thematic reviews of progress at the forum, focusing on achievements and challenges, taking into account the implementation of recommendations contained in previous Human Rights Council resolutions on the rights of the child;

29. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual full-day meeting on the theme of "Protecting the rights of the child in humanitarian situations", and requests the High

Commissioner to prepare a report on that theme, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, and to present it to the Human Rights Council at its thirty-seventh session with a view to providing information for the annual day of discussion on the rights of the child;

30. *Welcomes* the appointment of an independent expert to lead the work on a new in-depth global study on the situation of children deprived of liberty, encourages Member States and United Nations agencies, funds, programmes and offices, and other relevant stakeholders, to support its preparation, and recognizes that the study can support the achievement of the 2030 Agenda and the pledge to leave no one behind;

V. Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

31. *Also welcomes* the work and contribution of the Special Rapporteur on the sale of children, child prostitution and child pornography, and decides to extend her mandate, in accordance with its resolution 7/13, for a period of three years, as Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material;

32. *Requests* the Special Rapporteur to participate in relevant international forums and major events relating to the implementation of the 2030 Agenda, to advise States, intergovernmental organizations, civil society and other stakeholders on effective and sustainable practices to respect, protect and fulfil the human rights of child victims of sale and sexual exploitation in the implementation of the 2030 Agenda, and to undertake, in cooperation with relevant special procedures and actors of the United Nations system, thematic research on the effective implementation of Goals 16, 8 and 5, with particular focus on targets 16.2, 8.7 and 5.3, in accordance with her mandate;

33. *Also requests* the Special Rapporteur to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly, in accordance with their respective programmes of work, making suggestions and recommendations on the prevention of the sale and sexual exploitation of children and on the rehabilitation of child victims;

34. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate.

57th meeting
24 March 2017

[Adopted without a vote.]

34/17. Regional arrangements for the promotion and protection of human rights

The Human Rights Council,

Recalling General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions concerning regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Human Rights Council resolutions 6/20 of 28 September 2007, 12/15 of 1 October 2009, 18/14 of 29 September 2011, 24/19 of 27 September 2013 and 30/3 of 1 October 2015, *Bearing in mind* paragraph 5 (*h*) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

1. *Welcomes* the progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world;

2. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the workshop on regional arrangements for the promotion and protection of human rights,[47] held on 4 and 5 October 2016 in Geneva, including its conclusions and recommendations;

3. *Further welcomes* the holding of the meetings of focal points for cooperation between United Nations and regional human rights mechanisms, and takes note with appreciation of their outcomes;

4. *Notes with appreciation* the progress towards the implementation of its resolution 30/3 of 1 October 2015 as described in the report of the High Commissioner, and encourages the regional arrangements for the promotion and protection of human rights and other organizations, such as the International Organization of la Francophonie, to continue to enhance their cooperation;

5. *Also notes with appreciation* the critical role played by the Office of the High Commissioner in advancing cooperation between international and regional human rights mechanisms;

6. *Requests* the Secretary-General and the High Commissioner to provide the resources necessary to enable the Office of the High Commissioner to support the above-mentioned activities appropriately, in particular the annual meetings of the regional mechanisms' focal points for cooperation;

7. *Requests* the Office of the High Commissioner to expand its cooperation with regional human rights mechanisms by creating, as of 2018, a dedicated programme for the said mechanisms to gain experience in the United Nations human rights system in order to enhance capacity-building and cooperation among them;

8. *Requests* the High Commissioner to hold, in 2019, a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in 2016, including a thematic discussion on the role of regional arrangements in the combat against racism, racial discrimination, xenophobia and related intolerance and in the implementation of the commitments in the Durban Declaration and Programme of Action, based on concrete and practical experience of regional mechanisms, in order to share information on best practices, lessons learned and possible new forms of cooperation, with the participation of relevant experts from international, regional, subregional and interregional human rights mechanisms, as well as Members States, observers, national human rights institutions and non-governmental organizations;

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[47] A/HRC/34/23.

9. *Also requests* the High Commissioner to present to the Human Rights Council, at its forty-third session, a report containing a summary of the discussions held at the above-mentioned workshop and the progress towards the implementation of the present resolution.

57th meeting
24 March 2017

[Adopted without a vote.]

34/18. Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Human Rights Council,

Recalling Human Rights Council resolutions 7/36 of 28 March 2008, 12/16 of 2 October 2009, 16/4 of 24 March 2011, 23/2 of 13 June 2013 and 25/2 of 27 March 2014, and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression,

Recognizing that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

2. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years;

3. *Urges* all States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her and to consider favourably his or her requests for visits and for implementing his or her recommendations;

4. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil the mandate, in particular by placing adequate human and material resources at his or her disposal;

5. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to his or her mandate, with a view to maximizing the benefits of the reporting process;

6. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

57th meeting
24 March 2017

[Adopted without a vote.]

34/19. Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Recalling international human rights law, standards and guidelines on torture and other cruel inhuman degrading treatment or punishment,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recognizing the importance of the work of the Special Rapporteur in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(*a*) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(*b*) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, and to follow up on recommendations made in reports after visits to their countries;

(*c*) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(*d*) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(*e*) To integrate a gender perspective and a victim-centred approach throughout the work of his or her mandate;

(*f*) To continue to cooperate with the Committee against Torture, the Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations, and to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(*g*) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council in accordance with its programme of work, and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

2. *Urges* States:

(*a*) To cooperate fully with and to assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those

Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(*b*) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(*c*) To ensure, as an important element in preventing and combating torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(*d*) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(*e*) To adopt a victim-centred and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture and other cruel, inhuman or degrading treatment or punishment, and gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(*f*) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority, and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(*g*) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(*h*) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Takes note with appreciation* of the report of the Special Rapporteur;[19]

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

57th meeting
24 March 2017

[Adopted without a vote.]

34/20. Human rights and the environment

The Human Rights Council,

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[19] A/HRC/34/54

Reaffirming all its resolutions on human rights and the environment, the most recent of which are resolutions 28/11 of 26 March 2015 and 31/8 of 23 March 2016, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, expressed its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of that Agenda by 2030, and to the high-level political forum on sustainable development as the central United Nations platform for the follow-up and review thereof,

Recalling also the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document, "The Future We Want", which reaffirmed the principles of the Rio Declaration on Environment and Development, including principle 7,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Cancun Declaration on mainstreaming the conservation and sustainable use of biodiversity for well-being, adopted at the high-level segment of the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Cancun, Mexico on 2 and 3 December 2016, and looking forward to the fourteenth meeting, to be held in Egypt,

Recalling also the outcomes of the second session of the United Nations Environment Assembly, and looking forward to the third session, to be held in Nairobi from 4 to 6 December 2017,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, that sustainable development requires healthy ecosystems, and that the human person is the central subject of development and should be an active participant in and the beneficiary of the right to development,

Welcoming the entry into force of the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, in which the parties acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Taking note of the outcomes of the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Marrakech Action Proclamation for Our Climate and Sustainable Development,

Recognizing that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing also that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in the safeguarding of the environment,

Recognizing that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations,

Recognizing also that degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination, and that environmental harm can have disastrous, and at times geographically dispersed, consequences on the quality of life of indigenous peoples, local communities, peasants and others who rely directly on the products of forests, rivers, lakes, wetlands and oceans for their food, fuel and medicine, resulting in further inequality and marginalization,

Acknowledging that wetlands are the ecosystem with the highest rate of loss and degradation, and aware that indicators of current trends suggest that pressure on biodiversity and wetlands will increase in the years to come,

Recognizing the key role that wetlands play in maintaining water quantity and quality, among other things, and recalling General Assembly resolutions 68/157 of 18 December 2013 and 70/169 of 17 December 2015 on safe drinking water and sanitation, which are essential for the full enjoyment of all human rights,

Recognizing also the need to change human development patterns, behaviour and activities to respect nature as a fundamental condition for the well-being of all forms of life, which depend on the conservation and sustainable use of biodiversity, and the ecosystem services it underpins, and in this regard recalling Goal 12 of the 2030 Agenda for Sustainable Development, on ensuring sustainable consumption and production patterns, and target 12.1, on implementing the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns,

1. *Welcomes* the work undertaken to date by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and takes note of his most recent report on the human rights obligations relating to the conservation and sustainable use of biological diversity;[49]

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur, and in helping to clarify the relationship between human rights and the environment;

4. *Notes with appreciation* the work undertaken by the Geneva Pledge for Human Rights in Climate Action and other countries and relevant actors in helping to mainstream the human rights perspective into the climate change and environment agenda;

5. *Calls upon* States:

(*a*) To respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, including the rights to life and to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation, and to housing and cultural rights;

(*b*) To adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice, including to an effective remedy, in the field of the environment;

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[49] A/HRC/34/49.

(*c*) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, children, youth, indigenous peoples, local communities, peasants and others who depend directly on biodiversity and the services provided by ecosystems, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

(*d*) To implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

(*e*) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, including biodiversity, can operate free from threats, hindrance and insecurity;

(*f*) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, in accordance with their international obligations and commitments;

(*g*) To establish or maintain effective legal and institutional frameworks to regulate the activities of public and private actors in order to prevent, reduce and remedy harm to biodiversity, taking into account human rights obligations and commitments relating to the enjoyment of a safe, clean and healthy environment;

(*h*) To take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

6. *Encourages* States:

(*a*) To adopt an effective normative framework for the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

(*b*) To address compliance with human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review, and the submission of State party reports to relevant United Nations human rights treaty bodies;

(*c*) To facilitate the exchange of knowledge and experiences between experts in the environmental and human rights fields, and to promote coherence among different policy areas;

(*d*) To build capacities for taking human rights obligations and commitments into account in their efforts to protect the environment;

(*e*) To explore ways to incorporate information on human rights and the environment, including climate change, biodiversity and ecosystem services, in school curricula, in order to teach the next generations to act as agents of change, including by taking into account indigenous knowledge;

(*f*) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(*g*) To collect disaggregated data on the effects of environmental harm, including the loss of biodiversity and the decline of ecosystem services, on persons in vulnerable situations;

(*h*) To promote environmental action, including climate action that is gender-responsive and includes gender equality and the empowerment of women, and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(*i*) To continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and healthy ecosystems, through the good practices database maintained by the Special Rapporteur;

(*j*) To strengthen their efforts to protect biodiversity, including by meeting their national targets, thereby contributing to the achievement of the Strategic Plan for Biodiversity 2011-2020 and its associated Aichi Biodiversity Targets under the Convention on Biological Diversity;

(*k*) To build capacity for the judicial sector to understand the relationship between human rights and the environment;

(*l*) To foster a responsible private business sector and to encourage corporate sustainability reporting while protecting environmental standards in accordance with relevant international standards and agreements;

(*m*) To consider further, among other aspects, respect for and the promotion of human rights within the framework of the United Nations Framework Convention on Climate Change, including at the twenty-third session of the Conference of the Parties, to be organized by Fiji and held in Bonn, Germany from 6 to 17 November 2017;

7. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

8. *Also recognizes* the important role of national human rights institutions in support of human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

9. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(*a*) To convene, prior to the thirty-seventh session of the Human Rights Council, a one-day expert seminar on best practices, lessons learned and the way forward with regard to human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, informed by the findings of the mandate holder;

(*b*) To invite States and other relevant stakeholders, including academic experts and civil society organizations, to participate actively in the seminar;

(*c*) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(*d*) To submit to the Human Rights Council, at its thirty-seventh session, a report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Stresses* the need for enhanced cooperation among States, the United Nations Development Programme, the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

11. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

57th meeting
24 March 2017

[Adopted without a vote.]

34/21. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolutions 8/10 of 18 June 2008, 17/12 of 17 June 2011 and 26/19 of 26 June 2014 entitled "Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants",

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years, effective from the end of its thirty-fifth session, the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(*a*) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(*b*) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(*c*) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(*d*) To promote the effective application of relevant international norms and standards on the issue;

(*e*) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(*f*) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple forms of discrimination and violence against migrant women;

(*g*) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(*h*) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out the mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out the mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of the mandate;

5. *Requests* the Special Rapporteur, in carrying out the mandate, to take into account bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of the mandate.

57th meeting
24 March 2017

[Adopted without a vote.]

34/22. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions on the situation of human rights in Myanmar, the most recent being Council resolutions 29/21 of 3 July 2015 and 31/24 of 24 March 2016 and Assembly resolution 70/233 of 23 December 2015,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Council at its thirty-fourth session,[50] and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to some parts of the country from 20 June to 1 July 2016 and, most recently, from 9 to 21 January 2017,

Taking note of the general observations of Myanmar on the report of the Special Rapporteur submitted to the Human Rights Council at its thirty-fourth session,[51]

Recalling the report of the United Nations High Commissioner for Human Rights on the situation of human rights of Rohingya Muslims and other minorities in Myanmar[52] and the recommendations contained therein, and the flash report of the Office of the United Nations High Commissioner for Human Rights of 3 February 2017, entitled "Interviews with Rohingyas fleeing from Myanmar since 9 October 2016", prepared following a mission to Bangladesh,

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[50] A/HRC/34/67.

[51] A/HRC/34/67/Add.1.

[52] A/HRC/32/18.

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Stressing that States have the primary responsibility for the promotion and protection of human rights,

1. *Welcomes* the positive developments in Myanmar towards political and economic reform, democratization, national reconciliation, good governance and the rule of law and the efforts made to promote and protect human rights and combat corruption, and encourages the Government to take further steps to address outstanding concerns;

2. *Also welcomes* the formation of a democratically elected Government, while calling upon all actors to consolidate the democratic transition with full respect for the rule of law and human rights by bringing all national institutions, including the military, under civilian control, and to ensure the inclusion of all ethnic and religious minorities in the political process;

3. *Further welcomes* the announcement of the Government of Myanmar to make peace and national reconciliation its top priority, and the holding of the Twenty-first Century Panglong Conference from 31 August to 3 September 2016, while calling for further steps, including enhanced efforts to reach out to those ethnic armed groups that have not yet signed the nationwide ceasefire agreement, an immediate cessation of fighting and hostilities and of all violations of international human rights law and international humanitarian law in northern Myanmar, as applicable, the provision of immediate, safe and unhindered humanitarian access, including to areas controlled by ethnic armed groups, in particular in Kachin and Shan States, and the pursuit of an inclusive and comprehensive national political dialogue ensuring full and effective participation of women and young people, as well as civil society, with the objective of achieving lasting peace;

4. *Recognizes* the initial steps taken by the Government of Myanmar to address the underlying causes of the situation in Rakhine State, including by setting up the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and the Advisory Commission on Rakhine State, established on 5 September 2016 at the behest of the State Counsellor of Myanmar, Daw Aung San Suu Kyi, and chaired by former Secretary-General Kofi Annan, and commencing work on a long-term socioeconomic development plan for Rakhine State, welcomes the concurrence of the Government with the recommendations of the interim report of the Advisory Commission made public on 16 March 2017, and looks forward to their prompt implementation for stability, peace and prosperity in Rakhine State, in full consultation with all the communities concerned;

5. *Calls upon* the Government of Myanmar to continue efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, including the root causes of discrimination, in particular relating to the Rohingya minority, by, inter alia, reviewing the 1982 Citizenship Law, which has led to deprivation of human rights, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights, by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, by lifting local orders restricting rights to freedom of movement and access to civil registration, health and education services and by improving the squalid living conditions within camps for internally displaced persons;

6. *Also calls upon* the Government of Myanmar to take further measures for a voluntary and sustainable return of all internally displaced persons, refugees and others who have had to leave Myanmar, including from the Rohingya minority, in safety, security and dignity and in accordance with international law;

7. *Condemns* the attacks carried out against border guard posts on 9 October 2016 in northern Rakhine State, and expresses its deep concern at the serious subsequent further deterioration of the security, human rights and humanitarian situation in Rakhine State, which has forced tens of thousands of members of the Rohingya minority to seek refuge in Bangladesh or elsewhere in Rakhine State;

8. *Urges* the Government of Myanmar to lift the curfew order in Rakhine State, to promote the freedom of movement and safety and security of all persons, to allow and facilitate immediate, safe and unhindered humanitarian access to all people in need of assistance throughout the country, to enable without delay the full resumption of aid programmes, to allow independent observers and representatives of the media access, and to safeguard those who report abuses;

9. *Recognizes* that the Government of Myanmar notes the seriousness of the allegations contained in the flash report of the Office of the United Nations High Commissioner for Human Rights entitled "Interviews with Rohingyas fleeing from Myanmar since 9 October 2016";

10. *Notes* that the Government of Myanmar has established an investigation commission, led by Vice-President U Myint Swe, encourages the publication of a credible report on the findings of the commission without delay, and calls upon the Government to consider assistance to enhance the capacity of this or future investigation bodies;

11. *Decides* to dispatch urgently an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, to establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar, in particular in Rakhine State, including but not limited to arbitrary detention, torture and inhuman treatment, rape and other forms of sexual violence, extrajudicial, summary or arbitrary killings, enforced disappearances, forced displacement and unlawful destruction of property, with a view to ensuring full accountability for perpetrators and justice for victims, and requests the fact-finding mission to present to the Council an oral update at its thirty-sixth session and a full report at its thirty-seventh session;

12. *Encourages* the Government of Myanmar to cooperate fully with the fact-finding mission, including by making available the findings of the domestic investigations and other relevant information, and stresses the need for the fact-finding mission to be granted full, unrestricted and unmonitored access to all areas and interlocutors;

13. *Stresses* the need for the fact-finding mission to be provided with all the resources and expertise necessary to carry out its mandate, including forensic expertise and expertise on sexual and gender-based violence;

14. *Strongly encourages* the Government of Myanmar to take the measures necessary to address discrimination and prejudice against women, children and members of ethnic, religious and linguistic minorities across the country, and to take further action to publicly condemn and speak out against any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and to adopt measures to criminalize incitement to imminent violence based on nationality, race or religion or belief, while upholding freedom of expression, and to increase efforts further to promote tolerance and peaceful coexistence in all sectors of society in accordance with Human Rights Council resolution 16/18 of 24 March 2011 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence by, inter alia, further facilitating interfaith and intercommunal dialogue;

15. *Notes with concern* that charges for criminal defamation have increasingly been used to target journalists, politicians, students and social media users for their peaceful expression, online as well as offline, in particular under section 66 (d) of the Telecommunications Act, the Electronic Transactions Law and provisions of the Penal Code, including section 505 (b), and that the Unlawful Associations Act and the Peaceful Assembly and Peaceful Procession Law continue to be abused to arbitrarily arrest and detain individuals for exercising their rights to freedom of expression, peaceful assembly

and association, including on the basis of their ethnicity or political beliefs, and calls for open and participatory legislative processes to reform those laws in line with the international human rights law obligations of the Government of Myanmar;

16. *Welcomes* the early release of political prisoners in accordance with the obligation of the Government of Myanmar to ensure that no one remains in prison because of his or her political or religious beliefs, including those recently detained or convicted, human rights defenders and students, while calling upon the Government to fulfil its commitment to release unconditionally all remaining political prisoners and to provide for the full rehabilitation of former political prisoners, and to amend restrictive laws and to end remaining curbs on exercising the rights to the freedoms of expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists, human rights defenders, lawyers, environmental and land rights activists and civilians, and expresses concern at reports of the arrest of individuals in relation to the exercise of those rights;

17. *Emphasizes* that no one should face reprisals, monitoring, surveillance, threats, harassment or intimidation for cooperating or speaking with special procedures of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Myanmar, the international independent fact-finding mission or the United Nations, and calls upon the Government of Myanmar to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies;

18. *Calls upon* the Government of Myanmar to ensure prompt, thorough, independent and impartial investigations into the killings of constitutional legal expert and senior National League for Democracy adviser Ko Ni, in January 2017, land and environmental activist Naw Chit Pan Daing, in November 2016, and journalist Soe Moe Tun, in December 2016, as well as other cases, and that those responsible are held accountable;

19. *Also calls upon* the Government of Myanmar to take further steps to reform the Constitution and to strengthen democratic institutions, good governance and the rule of law to ensure respect for and to promote universal human rights and fundamental freedoms in accordance with international norms and standards, stresses the need for an independent, impartial and effective judiciary and an independent and self-governing legal profession, and calls upon the Government to ensure full compliance with its obligations under international human rights law and international humanitarian law, as applicable;

20. *Welcomes* the steps taken by the Government of Myanmar to end the recruitment of child soldiers and the release of 800 child soldiers and, abhorring their use in Myanmar, urges the Government to consolidate progress further towards a complete cessation of all recruitment and use of child soldiers; the identification of all children remaining in the ranks of government forces and their immediate release; an end to the arrest, harassment and imprisonment of children accused of desertion; continued efforts to bring perpetrators of child recruitment to justice and to criminalize the recruitment of child soldiers; increasing transparency, including by expanding access to birth registration services to children, including those vulnerable to recruitment; and ensuring the rehabilitation and reintegration of former child soldiers;

21. *Also welcomes* the steps taken by the Government of Myanmar to ratify or accede to international human rights conventions, encourages the Government to actively consider ratifying additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of the Government's obligations under international human rights law and international humanitarian law, as well as those under other relevant agreements;

22. *Further welcomes* the ongoing negotiations between the United Nations High Commissioner for Human Rights and the Government of Myanmar, recalls the commitment of the Government to open a country office of the Office of the High Commissioner, with a full mandate and in accordance with the mandate of the High Commissioner, and

encourages the Government to issue a standing invitation to all special procedures of the Human Rights Council;

23. *Calls upon* the Government of Myanmar and its institutions to step up efforts to strengthen the protection and promotion of human rights and the rule of law and to advance democratization and inclusive economic and social development towards the achievement of Sustainable Development Goals, including by reforming the Myanmar National Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the international community to support Myanmar in this regard, including through technical assistance and capacity-building programmes;

24. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, calls upon the Government of Myanmar to meet its duty to protect human rights, and calls upon home States of business companies operating in Myanmar to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction are to respect human rights throughout their operations;

25. *Welcomes* the enhanced cooperation of the Government of Myanmar with the International Labour Organization, encourages the implementation of the Supplementary Understanding for the elimination of the use of forced labour, with a complaint mechanism that is operational, and the swift revision of the Memorandum of Understanding for the elimination of the use of forced labour in Myanmar as the basis for a revitalized and strengthened action plan;

26. *Invites* the international community to support the Government of Myanmar further, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and economic and social development;

27. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its thirty-fifth session and to submit a report to the Third Committee at the seventy-second session of the General Assembly and to the Council at its thirty-seventh session, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of the recommendations made by the Special Rapporteur;

28. *Welcomes* the ongoing cooperation with the Special Rapporteur, and calls upon the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and granting unrestricted access throughout the country, and to continue to work with the Special Rapporteur to develop a work plan and time frame for the swift implementation of the proposed joint benchmarks identified in her report, and for progress in priority areas of technical assistance and capacity-building;

29. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur and the fact-finding mission with the assistance, resources and expertise necessary to enable them to discharge their mandates fully.

57th meeting
24 March 2017

[Adopted without a vote.]

34/23. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling its resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015 and 31/19 of 23 March 2016, General Assembly resolution 71/204 of 19 December 2016 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,[53] and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its thirty-seventh session and to the General Assembly at its seventy-second session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

57th meeting
24 March 2017

[Adopted by a recorded vote of 22 to 12, with 13 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Croatia, El Salvador, Germany, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Venezuela (Bolivarian Republic of)

Abstaining:

Brazil, Congo, Côte d'Ivoire, Ecuador, Ethiopia, Georgia, Ghana, Mongolia, Nigeria, Philippines, South Africa, Togo, Tunisia]

34/24. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

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[53] A/HRC/34/65.

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 31/18 of 23 March 2016 and Assembly resolution 71/202 of 19 December 2016, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[54] which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting General Assembly resolution 71/202, in which the Assembly recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Acknowledging General Assembly resolution 71/202, in which the Assembly expressed grave concern about the impact of diverting resources to advance nuclear weapons and ballistic missiles programmes on the humanitarian and human rights situation in the Democratic People's Republic of Korea, and emphasizing the necessity that the Democratic People's Republic of Korea respect and ensure the welfare and inherent dignity of people in the country, as referred to by the Security Council in its resolution 2321 (2016) of 30 November 2016,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Noting with appreciation the ratification of the Convention on the Rights of Persons with Disabilities by the Democratic People's Republic of Korea in December 2016, and urging it to implement its treaty obligations,

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[54] A/HRC/25/63.

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Noting also the importance of dialogue for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Noting further the importance of the issue of separated families and the requests of the Republic of Korea for confirmation of the fate of family members, and of allowing the exchange of letters, visits to their hometowns and the holding of further reunions on a larger scale and a regular basis,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes and human rights violations in and outside of the country, and to take immediate steps to end all such crimes and violations through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and to release all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, and their descendants, in a transparent manner, including by ensuring their immediate return;

(*g*) To ensure the reunion of separated families across the border;

(*h*) To abolish immediately the practice of guilt-by-association punishment;

3. *Recalls* General Assembly resolution 71/202, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

5. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender

grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

6. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

7. *Welcomes* General Assembly resolution 71/202, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

8. *Also welcomes* the decision of the Security Council to hold a third Council meeting on 9 December 2016, following the ones held in December 2014 and December 2015, during which the situation of human rights in the Democratic People's Republic of Korea was discussed in the light of the serious concerns expressed in the present resolution, and looks forward to the continued and more active engagement of the Council on this matter;

9. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

10. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea,[55] submitted to the Human Rights Council at its thirty-fourth session, which emphasized the importance of ensuring accountability for human rights violations in the Democratic People's Republic of Korea;

11. *Recalls* the conclusions and recommendations made by the Special Rapporteur and the group of independent experts on accountability, and acknowledges the practical steps identified by the group of independent experts that can be taken immediately to contribute to a comprehensive approach towards accountability in the Democratic People's Republic of Korea;

12. *Decides* to strengthen, for a period of two years, the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process;

13. *Requests* the High Commissioner to provide an oral update on the progress made in this regard to the Human Rights Council at its thirty-seventh session with a view to submitting a full report on the implementation of the said recommendations to the Council at its fortieth session;

14. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 31/18, for a period of one year;

15. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its

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[55] A/HRC/34/66 and Add.1.

report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

16. *Encourages* the continuing endeavours of the field-based structure of the Office of the High Commissioner in Seoul, and welcomes its regular reports to the Human Rights Council;

17. *Recalls* the report of the High Commissioner on the role and achievements of the Office with regard to the situation of human rights in the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-first session,[56] and invites the High Commissioner to provide the Council with regular updates on the issue;

18. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources to fulfil its mandate, that it enjoys full cooperation with relevant Member States and that it is not subjected to any reprisals or threats;

19. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

20. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

21. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

22. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and the field-based structure of the Office of the High Commissioner;

23. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

24. *Encourages* the United Nations system as a whole to continue to address the grave situation of human rights in the Democratic People's Republic in a coordinated and unified manner;

25. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

26. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

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[56] A/HRC/31/38.

27. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

57th meeting
24 March 2017

[Adopted without a vote.]

34/25. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling the twenty-sixth special session of the Human Rights Council, including Council resolution S-26/1 of 14 December 2016 on the situation of human rights in South Sudan, and Council resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

Deeply alarmed by the statements made at the twenty-sixth special session of the Human Rights Council, including the statement of the Commission on Human Rights in South Sudan that the conflict and violence in South Sudan could destabilize the entire region, the statement of the Special Adviser of the Secretary-General on the Prevention of Genocide that there is an ongoing, serious threat of renewed violence and a strong and imminent risk of violence escalating along ethnic lines, with the potential for genocide, in South Sudan, and the statement of the United Nations High Commissioner for Human Rights that killings, sexual violence, ill-treatment, abductions, forcible recruitment and the looting and destruction of homes and villages are taking place on a massive scale across many parts of the country,

Welcoming that the Government of South Sudan has committed to cooperating with the Office of the High Commissioner, the special procedures of the Human Rights Council, the universal periodic review and the Commission on Human Rights in South Sudan in the fulfilment of its mandate,

Noting the initial steps taken by the Government of South Sudan towards a National Dialogue, and strongly encouraging a transparent and inclusive political process as a means towards achieving lasting stability in South Sudan,

Noting with appreciation the report of the Commission on Human Rights in South Sudan[57] and the recommendations therein, including those on ending impunity and ensuring accountability, and deeply concerned about the findings of warning signs and indicators, including the dehumanization of others through hate speech, economic volatility and instability, starvation, the killing of and attacks against civilians, forced displacement and the burning of villages in South Sudan,

Welcoming the joint report of the Office of the High Commissioner and the United Nations Mission in South Sudan of January 2017 and the recommendations contained therein, and deeply concerned about the finding that there are serious and ongoing gross human rights violations and abuses and violations of international humanitarian law, including those that may amount to war crimes and crimes against humanity, that were perpetrated by all parties to the conflict, including the direct targeting of civilians along ethnic lines and the extreme violence against women and children,

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[57] A/HRC/34/63.

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General and the interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015),[58]

Noting with grave concern the conclusions of the report of the African Union Commission of Inquiry on South Sudan of 15 October 2014,

Recalling all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, including the joint declaration of the African Union, the Intergovernmental Authority on Development and the United Nations of 29 January 2017, which reaffirmed their continued and collective commitment in the search for lasting peace, security and stability in South Sudan, and the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, and agreed to the establishment of an independent hybrid court pursuant to the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and in this regard encouraging its speedy establishment,

Concerned by ethnically motivated incitement to hatred and violence by all sides, reports of targeting of civilians based on ethnicity, and sexual and gender-based violence becoming increasingly widespread,

Calling upon all parties to fully implement the Agreement on the Resolution of the Conflict in the Republic of South Sudan and to conclude a permanent ceasefire,

Deeply alarmed at the escalation of violence in the Equatoria region, which has resulted in increased flows of refugees into neighbouring countries and renewed violence in the former States of Unity and Upper Nile,

Deeply alarmed also that more than 16,800 structures have been destroyed in the southern Equatoria region since September 2016, in an indication of violence committed in or around civilian areas,

Expressing grave concern about the 20 February 2017 declaration of famine in parts of the former Unity State, as well as mass displacements within South Sudan and outside the country, noting that the humanitarian crisis is caused primarily by conflict, commending humanitarian agencies for their continued assistance to the affected populations, and recalling the need for all parties to the conflict to allow and facilitate, pursuant to United Nations guiding principles of humanitarian assistance, including humanity, neutrality, impartiality and independence, the full, safe and unhindered access of relief personnel, equipment and supplies and the timely delivery of humanitarian assistance to all those in need, in particular to internally displaced persons and refugees,

Condemning in the strongest terms all attacks against humanitarian personnel and facilities that have resulted in the death of at least 70 humanitarian personnel since December 2013, including the attack on the Terrain compound on 11 July 2016 and attacks against medical workers and facilities, as well as the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Emphasizing the inviolability of United Nations premises, and underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing grave concern at the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and for the civilians who sought safety in the protection-of-civilians site that have been attacked, killed, traumatized or displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed, and at sexual and gender-based violence against women and girls exiting protection-of-civilians sites throughout the country,

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[58] S/2016/963.

Recalling that the Government of South Sudan has the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Gravely concerned about ongoing reports of increased levels of sexual and gender-based violence committed against women and girls and instances of conflict-related rape and gang rape, coupled with beatings and abductions, including in July and August 2016 during the outbreak of fighting in Juba,

Expressing grave concern at the burning, looting, and wholesale destruction of villages, the targeting of civilians and health-care facilities, and the attacks on places of worship,

Condemning in the strongest terms the violence that broke out between the Government and the South Sudan People's Liberation Movement/Army in Opposition in early July 2016, and urging all parties to pursue the path of a peaceful resolution to the existing conflict,

Recognizing the importance of providing timely assistance and protection to survivors of sexual and gender-based violence, including sexual and reproductive health, psychosocial, legal and livelihood support and other multi-sectoral services for survivors of sexual and gender-based violence, including working with communities to reintegrate those affected by sexual and gender-based violence, and taking into account the specific needs of persons with disabilities,

Emphasizing the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

Expressing particular concern at the severe reduction of democratic space in South Sudan, including through the heightened restrictions on the freedom of expression and the freedoms of peaceful assembly and association, attacks on journalists and media workers, and the limitations on the operations of civil society, human rights defenders and the media, and stressing the responsibility of the Government of South Sudan to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan and in the interest of fostering an open and inclusive political environment,

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process and in implementing the Agreement, including by addressing accountability, reparations, truth-seeking and guarantees of non-recurrence,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving targeted killings of civilians, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the widespread recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, human rights defenders, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Condemns in the strongest possible terms* the widespread sexual and gender-based violence, including rape and gang rape, which can be used as a weapon of war, and the impunity for such violence, by all armed groups;

3. *Demands* that all actors put a halt to all violations and abuses of human rights and all violations of international humanitarian law, and strongly calls upon the

Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms;

4. *Notes with appreciation* the report of the Commission on Human Rights in South Sudan,[57] and the recommendations contained therein;

5. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission, chaired by former President Festus Mogae, to support the Agreement on the Resolution of the Conflict in the Republic of South Sudan and its ceasefire provisions, and urges all parties and international partners to engage constructively with the Commission and other bodies created by the Agreement;

6. *Also recognizes* the important role played by the African Union High Representatives for South Sudan in support of an inclusive process for national dialogue and the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and urges all parties and international partners to constructively engage with the African Union Commission, the African Union High Representative for South Sudan, as well as other bodies created by the Agreement;

7. *Stresses* that perpetrators of violations of international humanitarian law and violations and abuses of human rights, including any that amount to war crimes or crimes against humanity, should be held accountable;

8. *Calls upon* the Government of South Sudan to investigate all violations and abuses of human rights and violations of international humanitarian law and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses before, during and after legal proceedings;

9. *Urges* the Government of South Sudan to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

10. *Strongly urges* all parties to end and prevent violations and abuses of human rights committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

11. *Recognizes* the important role that women, including South Sudanese women, play in building peace, and calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

12. *Emphasizes* the need for the Government of South Sudan to ensure the participation of women during all stages and in all structures envisaged in the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

13. *Supports* the establishment of transitional justice institutions, and urges the speedy establishment of an independent hybrid court by the African Union Commission to investigate and prosecute those responsible for violations or abuses of international human rights and international humanitarian law, where applicable, and/or applicable South Sudanese law, and calls upon all parties to cooperate fully in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including chapter V thereof;

14. *Notes with appreciation* that the Government of South Sudan has cooperated with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate fully and constructively with and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan and the Regional Protection

Force, once it is in place, and regional, subregional and international mechanisms on the ground;

15. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensure that those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

16. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(*a*) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent further deterioration of the situation with a view to its improvement;

(*b*) To determine and report the facts and circumstances of, collect and preserve evidence of, and clarify responsibility for alleged gross violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the hybrid court for South Sudan, once established in cooperation with the African Union;

(*c*) To report on the factual basis for transitional justice and reconciliation;

(*d*) To provide guidance on transitional justice, including accountability and reconciliation and healing, as appropriate, and — once the Government of South Sudan commits to cooperating with the African Union on establishing the hybrid court for South Sudan — to make recommendations on technical assistance to the Government to support accountability, reconciliation and healing;

(*e*) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union, including by building upon the work of its Commission of Inquiry on South Sudan and its African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the Joint Monitoring and Evaluation Commission and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

(*f*) To make recommendations on technical assistance and capacity-building, as appropriate, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

17. *Reiterates* its request to the Commission on Human Rights in South Sudan, in response to the twenty-sixth special session of the Human Rights Council, and as soon as feasibly possible, working with the wider United Nations system, to suggest priority recommendations for the Government of South Sudan to consider how to end sexual and gender-based violence, urges relevant United Nations actors to assist in such implementation as appropriate, and urges the Government to appoint a special representative on sexual and gender-based violence;

18. *Requests* the Office of the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate;

19. *Reiterates* its request that representatives of the Office of the High Commissioner, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and Peoples' Rights and other stakeholders, as appropriate, be invited to discuss the situation of human rights in South Sudan and the steps taken by the Government of South Sudan to ensure accountability for human rights violations and

abuses in an enhanced interactive dialogue at the thirty-sixth session of the Human Rights Council;

20. *Requests* the Commission on Human Rights in South Sudan to participate in the enhanced interactive dialogue mentioned in paragraph 19 above, and to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-seventh session;

21. *Requests* that the report of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the African Union and all relevant organs of the United Nations;

22. *Decides* to remain seized of the matter.

57th meeting
24 March 2017

[Adopted without a vote.]

34/26. The human rights situation in the Syrian Arab Republic

For the text of the resolution, see chapter II.

34/27. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolutions 71/24 of 30 November 2016 and 71/99 of 6 December 2016, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Recalling further General Assembly resolution 71/97 of 6 December 2016,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[59] and in this connection deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of

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[59] A/71/352.

October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 31/25 of 24 March 2016,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan" and referred to as the "farms project", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[59]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 30 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Expresses grave concern* about the Israeli practices in the occupied Syrian Golan described in the report of the Secretary-General submitted to the Human Rights Council at its thirty-fourth session,[60] in particular the arbitrary arrests of Syrians, the lack of

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[60] A/HRC/34/37.

due process guarantees afforded to Syrians and the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, expresses regret at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights, and deplores the Israeli settlement expansion plans in the occupied Syrian Golan and Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories mentioned in the report;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its thirty-seventh session;

11. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-seventh session.

58th meeting
24 March 2017

[Adopted by a recorded vote of 26 to 3, with 18 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Belgium, Botswana, Congo, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland]

34/28. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

For the text of the resolution, see chapter II.

34/29. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of common article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which affirms that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the

Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[61] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploring the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret about the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the diaspora,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Noting that the failure to bring the occupation to an end after 50 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 70 years since the resolution on partition,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Deeply regrets* the onset of the fiftieth year of the Israeli occupation, calls upon Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

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[61] A/CONF.157/23.

3. *Expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

6. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

7. *Decides* to remain seized of the matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 43 to 2, with 2 abstentions. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Philippines, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Togo, United States of America

Abstaining:

Panama, Paraguay]

34/30. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council, *Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,[62] and other relevant recent reports of the Human Rights Council,

Deeply regretting the onset of the fiftieth year of the Israeli occupation, and stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Deploring Israel's recurrent practice of withholding Palestinian tax revenues,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads and the wall, and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Stressing also the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

Expressing grave concern at the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

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[62] A/71/554 and A/HRC/34/70.

Gravely concerned by the ongoing demolition by Israel, the occupying Power, of Palestinian homes and of structures provided as humanitarian aid, in particular in occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, the occurrence of which has escalated at unprecedented rates, and by the revocation of residence permits and the eviction of Palestinian residents of the City,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, and about the firing of rockets into Israel,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

Expressing deep concern at the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts in order to provide the Gaza Strip with the assistance that it requires,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

Stressing also the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons, *Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, consequently violating the human rights of the Palestinian people and negatively affecting their socioeconomic and humanitarian situation, which remains dire in the Gaza Strip, and the efforts aimed at rehabilitating and developing the Palestinian economy,

Convinced that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on the destruction of property and on forcible transfers, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Deeply concerned at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing deep concern also at the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Recalling also the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Deploring the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

Expressing concern at the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Stressing the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East

Jerusalem, to allow them to carry out their work freely and without fear of attacks, harassment, arbitrary detention or criminal prosecution,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Recognizing the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, including those on hunger strikes, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* the resumption by Israel of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern* at:

(*a*) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(*b*) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early

realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

30. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

31. *Requests* the High Commissioner to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the factors perpetuating the arbitrary detention of Palestinian prisoners and detainees in Israeli jails in consultation with the Working Group on Arbitrary Detention, at its thirty-seventh session;

32. *Decides* to remain seized of the matter.

58th meeting
4 March 2017

[Adopted by a recorded vote of 41 to 2, with 4 abstentions. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Togo, United States of America

Abstaining:

Congo, Panama, Paraguay, Rwanda]

34/31. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling the relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, and recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, *Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[63]

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Noting that Israel has been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and also of the follow-up report thereon of the Secretary-General,[64]

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the destruction of property, including homes and projects funded by the international community, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, the disruption of the livelihood of protected persons and the de facto annexation of land, and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and stressing that the continuation of these policies seriously endangers the viability of the two-State solution, undermining the physical possibility of its realization, and entrenching a one-State reality of unequal rights,

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[63] A/HRC/22/63.

[64] A/67/738.

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

Noting that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Condemning the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Deploring in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations by creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources, *Noting* that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Aware that numerous Israeli policies and practices related to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, create a system that privileges Israeli settlements and settlers, against the Palestinian people and in violation of their human rights,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Reaffirming the fact that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, undertook to respect and to ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Noting that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State

solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the forcible transfer of Palestinians, including entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 thereof;

6. *Also condemns* the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they seriously undermine the peace process and jeopardize the ongoing efforts by the international community to reach a final and just peace solution compliant with international law and legitimacy, including relevant United Nations resolutions, and constitute a threat to the two-State solution;

7. *Expresses its grave concern* at declarations by Israeli officials calling for the annexation of Palestinian land, and reaffirms the prohibition of the acquisition of territory resulting from the use of force;

8. *Also expresses its grave concern* at, and calls for the cessation of:

(*a*) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(*b*) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and "relocation" plans, the obstruction and destruction of humanitarian assistance and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of so-called "State lands", closed "military zones", "national parks" and "archaeological" sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel's obligations under international humanitarian law and international human rights law;

(*c*) Israeli measures in the form of policies, laws and practices that have the effect of preventing Palestinians from full participation in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

9. *Calls upon* Israel, the occupying Power:

(*a*) To end without delay its occupation of the territories occupied since 1967, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its E-1 plan;

(*b*) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(*c*) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(*d*) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called "State land", and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(*e*) To put an end to all measures and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves, and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(*f*) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for, and preventing, all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(*g*) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(*h*) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

10. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

11. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect of their obligations under

international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

12. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

13. *Calls upon* all States:

(*a*) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, inter alia, the issue of trade, consistent with their obligations under international law;

(*b*) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the immitigable nature of the adverse impact of their activities on human rights;

(*c*) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(*d*) To increase monitoring of settler violence, with a view to promoting accountability;

14. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and other relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, and to avoid contributing to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

15. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

16. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that

are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

17. *Takes note* of the statement of the Working Group on the issue of human rights and transnational corporations and other business enterprises in follow-up to Human Rights Council resolution 22/29;

18. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the provisions of the present resolution to the Human Rights Council at its thirty-seventh session;

19. *Decides* to remain seized of the matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 36 to 2, with 9 abstentions. The voting was as follows:

In favour:

Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Ghana, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Mongolia, Netherlands, Nigeria, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Togo, United States of America

Abstaining:

Albania, Croatia, Georgia, Hungary, Latvia, Panama, Paraguay, Rwanda, United Kingdom of Great Britain and Northern Ireland]

34/32. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015 and 31/26 of 24 March 2016, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015 and 71/195 of 19 December 2016,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, and of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva, Doha, Jeddah and Singapore in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, and interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on those issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call upon States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(*a*) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(*b*) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(*c*) Encouraging the training of government officials in effective outreach strategies;

(*d*) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(*e*) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(*f*) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(*g*) Understanding the need to combat denigration and negative religious stereotyping of persons, and incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(*h*) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(*a*) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(*b*) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(*c*) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(*d*) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 31/26 summarizing contributions received from States,[63] and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its thirty-seventh session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

58th meeting
24 March 2017

[Adopted without a vote.]

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[63] A/HRC/34/35.

34/33. Establishment of a forum on people of African descent

For the text of the resolution, see chapter II.

34/34. Mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling further Human Rights Council resolutions 1/5 of 30 June 2006, 11/12 of 18 June 2009 and 22/30 of 22 March 2013, in which the Council renewed and extended the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

Encouraging the Working Group to enhance its efforts towards the effective realization of its mandate, and to report regularly in this regard to the Human Rights Council and the General Assembly,

1. *Decides* to renew the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for a further period of three years;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to make the report of the Working Group on its fourteenth session available in order to enable the Chair-Rapporteur to present it to the Human Rights Council at its thirty-fifth session;

3. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the human, technical and financial assistance necessary for the effective implementation of its mandate;

4. *Decides* to remain seized of this priority matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

United States of America]

34/35. Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling its resolution 7/34 of 28 March 2008 and all its resolutions on the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including those of the Commission on Human Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to renew the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34;

2. *Encourages* the Special Rapporteur to continue with the execution of the mandate, particularly in the light of the current resurgent manifestations of all the scourges of racism, some of which have taken violent forms;

3. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

4. *Requests* the United Nations High Commissioner for Human Rights to allocate the resources necessary to the Special Rapporteur for the effective implementation of the mandate;

5. *Decides* to remain seized of this priority matter.

58th meeting
24 March 2017

[Adopted without a vote.]

34/36. Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also all its previous resolutions on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling further relevant General Assembly resolutions, in particular Assembly resolution 71/181 of 19 December 2016,

Recalling in the above context paragraph 5 of General Assembly resolution 71/181,

1. *Decides* to implement the request of General Assembly contained in its resolution 71/181 by requesting the Chair-Rapporteur of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure the commencement of the negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature during the tenth session of the Ad Hoc Committee;

2. *Also decides* to remain seized of this priority matter.

58th meeting
24 March 2017

[Adopted by a recorded vote of 31 to 4, with 12 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Germany, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Hungary, India, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia]

34/37. Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva international discussions as an instrument for addressing security, stability, human rights and humanitarian issues,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights, its office in Tbilisi, and other relevant international and regional human rights mechanisms and actors,

Welcoming also the cooperation of the Government of Georgia with the special procedures of the Human Rights Council, in accordance with its standing invitation, noting with appreciation the participation of Georgia in the universal periodic review process in November 2015, and welcoming its commitment to implement the recommendations made by United Nations and regional mechanisms, including universal periodic review recommendations,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights,

Noting the statement made by the High Commissioner to the Human Rights Council on 13 September 2016, where he expressed deep concern at the repeated refusals to permit staff of the Office of the High Commissioner access to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia,

Expressing serious concern at the human rights and humanitarian situation in those regions of Georgia,

Concerned about reported kidnappings, arbitrary detention, interference with property rights, restrictions on access to education in one's native language, free movement and residence, as well as continued discrimination on the grounds of ethnic origin in both regions, *Expressing concern* that internally displaced persons and refugees continue to be deprived of the right to return to their homes in a safe and dignified manner,

Expressing serious concern at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions, by those in control of those regions,

Bearing in mind the statement made by the High Commissioner regarding the situation in both regions, during the most recent visit of the High Commissioner to Georgia, in May 2014, and the denial of permission to visit those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through his office in Tbilisi;

2. *Calls for* immediate access for the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its thirty-fifth session, and to present a written report on developments relating to and the implementation of the present resolution at its thirty-sixth session.

59th meeting
24 March 2017

[Adopted by a recorded vote of 18 to 5, with 24 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay,* Portugal, Slovenia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Brazil, Congo, Côte d'Ivoire, Ecuador, Egypt, El Salvador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, South Africa, Switzerland, Tunisia, United Arab Emirates]

34/38. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

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* The representative of Paraguay subsequently stated that there had been an error in the delegation's vote and that it had intended to abstain.

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Reiterating its support for the full implementation of the Libyan Political Agreement, signed in Skhirat, Morocco on 17 December 2015, establishing a Presidency Council to form a Government of National Accord consisting of the Presidency Council and Cabinet supported by the other institutions of the State, including the House of Representatives and the State Council,

Expressing deep concern at the continued human rights violations and abuses committed in Libya, and at the fragile security situation and the acts of terrorism perpetrated against the people in Libya, resulting in loss of life and mass displacement, and their particular impact on women and children,

Expressing serious concern at the impact of the security and political crises and of terrorism against migrants, and at the death of migrants attempting to cross the Mediterranean Sea,

Expressing deep concern at the deteriorating humanitarian situation in Libya, including the damage caused to hospitals, shortages of medicines and medical supplies, and lack of treatment, and the disruption to public services and public utilities,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law should be held accountable, and that counter-terrorism measures should prioritize the protection of civilian populations and must be consistent with applicable international law,

Expressing full support for the efforts led by the United Nations Support Mission in Libya led by the Special Representative of the Secretary-General for Libya to ensure broad Libyan support for the Libyan Political Agreement as a Libyan-led political solution to the challenges facing Libya,

Underscoring the importance of the equal and full participation of all members of Libyan society, including women, civil society and youth, in the political process,

1. *Welcomes* the commitment of the Government of National Accord to improve human rights in Libya, and its continued cooperation with the Human Rights Council and its mechanisms;

2. *Also welcomes* the continued commitment of the Government of National Accord to the universal periodic review process, and emphasizes the pressing need for implementation of the recommendations accepted;

3. *Further welcomes* the creation of the Presidential Guard by the Presidency Council with the task of securing the Presidency Council and public facilities, and supports this initiative, which contributes to the stability of Libya;

4. *Takes note with appreciation* of the oral update delivered by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-third session, with the participation of the Special Representative of the Secretary-General for Libya, on the situation of human rights in Libya, including the steps taken by the Government of National Accord towards ensuring accountability for human rights violations and abuses, in accordance with Council resolution 31/27;

5. *Also takes note with appreciation* of the report of the High Commissioner on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya;[66]

6. *Strongly condemns* all acts of violence in Libya, and all violations and abuses of humans rights and violations of international humanitarian law that are being committed, in particular against civilians, including women and children, as well as those involving

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[66] A/HRC/34/42.

indiscriminate shelling, including of hospitals, abductions, enforced disappearances, torture and unlawful killings, including of government officials and judges;

7. *Condemns* all attacks, intimidation, harassment and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

8. *Repeats its call* to all parties to comply immediately with their applicable obligations under human rights and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty;

9. *Recognizes* the ongoing human rights challenges in Libya, and strongly encourages the Government of National Accord to increase its efforts to protect and promote human rights and to prevent any violations or abuses, and in this regard encourages its continued engagement with the United Nations Support Mission in Libya and the Office of the High Commissioner;

10. *Also recognizes* the efforts made by States in tracing, freezing and recovering stolen assets, and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential contribution of these assets to improving security, development and the protection of human rights in Libya;

11. *Calls for* those responsible for violations or abuses of international human rights law and violations of international humanitarian law to be held accountable, in accordance with international standards;

12. *Calls upon* the Government of National Accord to appoint a focal point on justice and human rights;

13. *Also calls upon* the Government of National Accord to increase efforts to end impunity, and notes its cooperation with the International Criminal Court to ensure that those responsible for violations or abuses of human rights or violations of international humanitarian law, including attacks targeting civilians, are held accountable;

14. *Strongly condemns* practices such as abduction, hostage-taking, incommunicado detention, abuse and killings carried out by armed groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh), the Ansar al-Sharia groups and other terrorist organizations in Libya listed by the United Nations, and underlines that murder, torture and deprivation of physical liberty in violation of international law are predicate acts that may in certain circumstances amount to crimes against humanity, while reiterating grave concern about the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

15. *Calls upon* all Libyans to unite under civilian command, including to combat terrorism in the country, and urges all Member States to cooperate actively in this regard with the Government of National Accord and to provide support as requested while ensuring the full respect for human rights in efforts to combat terrorism;

16. *Expresses grave concern* at the number of detainees, including conflict-related detainees and children, and at reports of torture, sexual and gender-based violence and harsh conditions in detention centres, and calls upon the Government urgently to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

17. *Also expresses serious concern* at the acute humanitarian situation in Libya, condemns in the strongest terms obstructions to the delivery of humanitarian aid, and calls for full, immediate and unfettered humanitarian access for United Nations humanitarian agencies across Libya, their implementing partners and other humanitarian organizations,

including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

18. *Calls upon* the international community to provide financial support for the United Nations humanitarian response plan for Libya for the period 2017-2018 to address the needs of 1,330,000 people;

19. *Urges* the Libyan authorities to expedite the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

20. *Encourages* the Government of National Accord to promote, protect and respect the human rights of migrants, refugees and internally displaced persons, to hold human traffickers accountable and to provide a framework for the enhanced engagement of the Office of the United Nations High Commissioner for Refugees, and to continue to cooperate with the International Organization for Migration;

21. *Urges* the Government of National Accord, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, including resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013, and welcomes in this regard the decision of the Presidency Council to establish a women's support and empowerment unit, consistent with the Libyan Political Agreement;

22. *Urges* the Constitutional Drafting Assembly to resume its efforts to complete a draft constitution that protects the human rights of all, including women and members of all communities and people living in vulnerable conditions, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

23. *Welcomes* the commitment of the Government of National Accord to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the President of the Presidency Council in his speech addressed to the Council at its thirty-fourth session to continue cooperation with the Office of the United Nations High Commissioner for Human Rights, and to renew the invitation for the High Commissioner to visit Libya, and urges the Government:

(*a*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to provide fair and adequate compensation for victims;

(*b*) To take immediate steps to protect freedom of expression, ensuring that the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on freedom of expression that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary or the State;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To further empower women and girls, including by ensuring their full representation in politics, the police and the judiciary;

(*f*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations;

(*g*) To take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites, in violation of international law, particularly sites on the World

Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to hold accountable those responsible for such attacks and destruction;

(*h*) To take further steps to guarantee freedom of association and peaceful assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with the international obligations of Libya with regard to freedom of association, that ensures the full protection of human rights defenders and that includes only legal limitations that comply with the international treaty obligations of Libya;

24. *Urges* the Government of National Accord, working with all relevant parties, to implement the recommendations addressed to it by the High Commissioner in his report presented to the Human Rights Council at its thirty-first session on violations and abuses of international human rights law committed in Libya since the beginning of 2014, in particular those relating to the justice sector, transitional justice and criminal justice accountability measures;[67]

25. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

26. *Requests* the Office of the High Commissioner, while continuing its engagement with the United Nations Support Mission in Libya, to monitor and report on human rights violations and abuses across Libya, and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

27. *Welcomes* the standing invitation that Libya has extended to all special procedures, and requests the High Commissioner to coordinate with mandate holders relevant to the present resolution to undertake visits to Libya and to be provided with all the resources necessary to support the visits throughout 2017, in support of his work and that of the United Nations Support Mission in Libya, and in particular to assist efforts to ensure individual accountability and to prevent further human rights abuses and violations, and to make recommendations to improve the situation of human rights through targeted technical assistance, with a view to help the State to fulfil its human rights obligations and commitments and to support reconciliation;

28. *Invites* the Office of the High Commissioner to work closely with all entities of the United Nations, the African Union, the League of Arab States, the Organization of Islamic Cooperation and all other international organizations concerned;

29. *Requests* the High Commissioner to present an oral update to the Human Rights Council at its thirty-sixth session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present a written report during an interactive dialogue with the Council at its thirty-seventh session;

30. *Decides* to remain seized of the matter.

59th meeting
24 March 2017

[Adopted without a vote.]

34/39. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

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[67] A/HRC/31/47

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014 and 31/28 of 24 March 2016, by which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the increase in attacks by terrorist groups in the north and their spread to central and southern Mali and about the rise of violent extremism, the proliferation of small arms, drug trafficking, migrant smuggling, the traffic in persons and other transnational organized criminal activities,

Deeply concerned also about continued human rights violations and abuses, the delay in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation in Mali and the fragile security situation and difficulties in the redeployment of government services, which continue to hinder the delivery of humanitarian assistance in the north of the country, the voluntary return of displaced persons and the population's access to basic social services,

Welcoming the positive steps taken by the Government of Mali, with the support of armed groups that have signed the peace agreement, to implement that agreement, in particular the progress made in the constitutional review process, the appointment of members of the interim authorities and the transitional councils and of special advisers to representatives of the State in the northern regions and the designation of the high-level representative entrusted with ensuring the implementation of the peace agreement, while underscoring the need for continued efforts to implement the agreement fully,

Noting the commitment made by the Government of Mali at a number of sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Underscoring the importance of the human rights reports prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali in fulfilment of one of the components of its mandate for the promotion and protection of human rights,

Noting the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012 and the transfer, in the context of this investigation, of a person suspected of war crimes to the Court on 26 September 2015, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[58]

1. *Strongly condemns* the violations of human rights and of international humanitarian law, the abuses of those rights, including the recruitment of children and other

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[58] A/HRC/34/72

violations of their rights and of those of women that have been perpetrated in Mali since the beginning of the crisis, and the terrorist attacks launched in January 2017 against the camps of the United Nations Multidimensional Integrated Stabilization Mission in Mali, Aguelhok and of the Operational Coordination Mechanism in Gao;

2. *Reiterates* its call for an immediate halt to all human rights violations and abuses and acts of violence and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue and to intensify its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces throughout the territory and decentralization;

5. *Requests* the signatories of the Agreement on Peace and Reconciliation in Mali to maintain a constructive dialogue and to take advantage of the opportunity offered by the national reconciliation conference to be held in March 2017 to lay the foundations for an in-depth discussion among all groups in the nation about the root causes of the conflict with a view to formulating a charter for national unity and reconciliation pursuant to article 5 of the peace agreement;

6. *Supports* the efforts of the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts, urges it to intensify those efforts, and encourages it to continue its cooperation with the International Criminal Court;

7. *Calls upon* the Government of Mali to ensure that women participate more fully in the national reconciliation process, in conformity with relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the Government in December, and to heighten the political empowerment of women at all levels;

8. *Welcomes* the adoption by the Government of Mali of a national human rights policy that is supported by a plan of action and a law on the protection of human rights defenders and of a law on the organization and modes of operation of the National Human Rights Commission and the opening of regional offices of the Truth, Justice and Reconciliation Commission, and encourages the Malian authorities to take all necessary steps to implement those new measures and to ensure the independence of the Truth, Justice and Reconciliation Commission;

9. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards attaining peace and security in Mali;

10. *Notes* the strengthening of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali by the Security Council in its resolution 2295 (2016) of 29 June 2016, and underscores the importance of providing sufficient resources to the Mission so that it may carry out its mandate fully, commends the Mission for the work it has done in conjunction with the French army in Operation Barkhane as part of the country's stabilization process, and deplores the loss of human life sustained by countries that have contributed troops or police and by France;

11. *Also notes*, in that context, the decision taken by the Group of Five for the Sahel to establish a mechanism for reinforcing regional security cooperation that will serve as a framework of joint cross-border military operations and the Nouakchott Process launched by the African Union, and underscores the positive impact that these initiatives may have on the human rights situation in Mali;

12. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations aimed at reassuring and restoring the confidence of local population

groups in the northern and central regions of the country and garnering their support for the return of State authorities;

13. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

14. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali and urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme;

15. *Requests* friendly countries and partner organizations that have pledged contributions at conferences on the development of Mali to honour those pledges in order to assist the Government in expediting the effective and comprehensive implementation of the peace agreement;

16. *Welcomes* the organization of the local elections held on 20 November 2016 in most of the country, despite the incidents that interfered with the voting process in some locations;

17. *Also welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

18. *Notes* with satisfaction that the Government of Mali has undertaken to act upon the recommendations made by the Independent Expert following his visits to Mali;

19. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;

20. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

21. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

22. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its thirty-seventh session;

23. *Decides* to hold a dialogue at its thirty-seventh session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on justice and reconciliation;

24. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

25. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance with a view to supporting Mali in its efforts to promote and protect human rights and building its institutional capacity;

26. *Urges* the international community to continue to provide assistance to Mali in order to ensure its stability with a view to promoting respect for all human rights and to carrying out a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

27. *Decides* to remain seized of this matter.

59th session
24 March 2017

[Adopted without a vote.]

34/40. Promoting the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council

The Human Rights Council,

Recalling its resolution 19/26 of 23 March 2012 establishing the terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,

Recalling also its decision 31/115 of 23 March 2016 on the holding of a high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council and the value placed upon the participation of all States Members of the United Nations in the work of the Council,

Reaffirming its resolution 33/28 of 30 September 2016 on the enhancement of technical cooperation and capacity-building in the field of human rights, and welcoming the panel discussion under agenda item 10 to be held during its thirty-fifth session, entitled "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward",

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement the Sustainable Development Goals,

Recognizing further the importance of the universal participation of all States Members of the United Nations in the work of the Human Rights Council,

1. *Welcomes* the efforts of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council to meet fully its mandate;

2. *Recognizes* the continued achievements of the Trust Fund since its operationalization in 2014, and in particular its contribution to the following:

(*a*) The commemoration of the tenth anniversary of the Human Rights Council at its thirty-second session in June 2016, at which there was universal representation of States Members of the United Nations for the first time;

(*b*) The creation and provision of an e-learning tool, in the working languages of the secretariat of the Trust Fund, providing initial training and information on the rules, functioning and customary practices of the Council and its mechanisms;

(*c*) The participation of 70 delegates, namely 39 women and 31 men, from 51 least developed countries and small island developing States, in the work of the Council;

(*d*) The participation of eight delegates from least developed countries and small island developing States in its fellowship programme to support their delegations in the work of the Council;

(*e*) Induction training prior to the sessions of the Council;

3. *Encourages* the secretariat of the Trust Fund to continue its training and capacity-building activities and briefings regarding the conduct and management of the Trust Fund;

4. *Expresses appreciation* for the efforts made by the secretariat of the Trust Fund to conduct its work in different working languages of the United Nations;

5. *Recognizes* the broadest application of the terms "least developed countries" and "small island developing States" used by United Nations programmes and entities when considering applications to the Trust Fund;

6. *Encourages* the Trust Fund to support the conduct of at least one briefing on the outcomes of the regular and special sessions of the Human Rights Council each year in New York, prior to the commencement of each session of the General Assembly, for least developed countries and small island developing States, with a view to supporting the engagement of these delegations in the work of the Third Committee;

7. *Also encourages* the Trust Fund to support the conduct of a workshop in Africa, in Asia and the Pacific, and in the Caribbean, before the tenth anniversary of the Trust Fund, reflecting on its achievements, identifying where further improvements might be made and assessing the value of its activities in fulfilling its training and capacity-building mandate in support of the engagement of least developed countries and small island developing States in the work of the Human Rights Council and its mechanisms;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with the beneficiaries of the Trust Fund, in which the Office evaluates the activities of the Trust Fund in meeting its training and capacity-building mandate, and to present the report to the Human Rights Council at its forty-ninth session, on the occasion of the tenth anniversary of the Trust Fund;

9. *Welcomes with appreciation* the voluntary contributions of States to the Trust Fund, and encourages all States to make such voluntary contributions.

59th meeting
24 March 2017

[Adopted without a vote.]

34/41. Human rights, democracy and the rule of law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Reaffirming also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international human rights instruments,

Acknowledging the adoption by the General Assembly of its resolution 70/1 entitled "Transforming our world: the 2030 Agenda for Sustainable Development" on 25 September 2015, including its goals and targets, inter alia, Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels,

Recalling that the 2030 Agenda for Sustainable Development involves Governments and Parliaments, the United Nations system and other international institutions, in particular the Inter-Parliamentary Union, local authorities, indigenous peoples, civil society, business and the private sector, and the scientific and academic community, who have embarked on the road to 2030,

Recalling also all previous resolutions on democracy and the rule of law adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolutions 19/36 of 23 March 2012 and 28/14 of 26 March 2015, in which the Council established the Forum on Human Rights, Democracy and the Rule of Law,

Recalling further General Assembly resolution 70/298 of 25 July 2016 on interaction between the United Nations, national parliaments and the Inter-Parliamentary Union, and Human Rights Council resolution 30/14 of 1 October 2015 on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review,

Taking note of the study of the United Nations High Commissioner for Human Rights of 2012[69] and the outcome of the panel discussion,[70] held on 11 June 2013 during the twenty-third session of the Human Rights Council, both on the theme of common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective,

Recognizing the link between human rights, democracy, the rule of law and good governance, and recalling the Human Rights Council resolutions and all other resolutions relevant to the role of good governance in the promotion of human rights,

Reaffirming that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty, territorial integrity and the right to self-determination,

Bearing in mind that challenges to democracy arise in all democratic societies,

Acknowledging the fundamental importance of education and training for human rights in consolidating democracy and contributing to the promotion, protection and effective realization of all human rights,

Underlining that, while States have the primary responsibility for safeguarding and strengthening democracy and the rule of law, the United Nations has a critical role in providing assistance and coordinating international efforts to support States, on their request, in their democratization processes,

Urging States to acknowledge the important contribution of civil society and human rights defenders to the promotion of human rights, democracy and the rule of law, and to ensure a safe and enabling environment for their work,

Recognizing the value of a Human Rights Council forum for exchange, dialogue, mutual understanding and cooperation on the interrelationship between human rights, democracy and the rule of law, in accordance with the principles and purposes of the Charter, and acknowledging the importance of existing regional formats in the field of human rights,

Stressing that human rights, democracy and the rule of law are interdependent and mutually reinforcing, and in this regard recalling the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,[71] in which the Secretary-General addressed the ways and means of developing further the linkages between the rule of law and the three main pillars of the United Nations, namely, peace and security, human rights, and development,

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[69] A/HRC/22/29.

[70] See A/HRC/24/54.

[71] A/68/213/Add.1.

Emphasizing the importance of effective, transparent and accountable legislative bodies, and their fundamental role in the promotion and protection of human rights, democracy and the rule of law,

1. *Welcomes* the organization, in November 2016, of the first session of the Forum on Human Rights, Democracy and the Rule of Law, the theme of which was "Widening the democratic space: the role of youth in public decision-making", and notes the engaged participation of stakeholders, including youth, who emphasized the promotion of dialogue and cooperation;

2. *Takes note* of the report of the two Chairs on the work of the first session of the Forum on Human Rights, Democracy and the Rule of Law,[72] and encourages States and other stakeholders to take into consideration the relevant recommendations of the Forum;

3. *Decides* that the theme of the second session of the Forum, to be held in 2018, will be "Parliaments as promoters of human rights, democracy and the rule of law";

4. *Also decides* that the second session of the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts, and non-governmental organizations in consultative status with the Economic and Social Council; the session shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Human Rights Council, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Council, which will provide for timely information on the participation of and consultations with the States concerned;

5. *Encourages* States and all stakeholders to pay particular attention to ensuring the broadest possible and most equitable participation, with due regard to geographical and gender balance, and considering the participation of youth;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Forum, at its second session, with all the necessary services and facilities, including interpretation in all official languages of the United Nations.

59th meeting
24 March 2017

[Adopted without a vote.]

B. Decisions

34/101. Outcome of the universal periodic review: Togo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Togo on 31 October 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

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[72] A/HRC/34/46.

Adopts the outcome of the review of Togo, comprising the report thereon of the Working Group on the Universal Periodic Review,[73] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[74]

40th meeting
16 March 2017

[Adopted without a vote.]

34/102. Outcome of the universal periodic review: Syrian Arab Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Syrian Arab Republic on 31 October 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Syrian Arab Republic, comprising the report thereon of the Working Group on the Universal Periodic Review,[75] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[76]

40th meeting
16 March 2017

[Adopted without a vote.]

34/103. Outcome of the universal periodic review: Venezuela (Bolivarian Republic of)

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Bolivarian Republic of Venezuela on 1 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Bolivarian Republic of Venezuela, comprising the report thereon of the Working Group on the Universal Periodic Review,[77] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[78]

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[73] A/HRC/34/4.

[74] A/HRC/34/4/Add.1; see also A/HRC/34/2, chap. VI.

[75] A/HRC/34/5.

[76] A/HRC/34/5/Add.1; see also A/HRC/34/2, chap. VI.

[77] A/HRC/34/6.

40th meeting
16 March 2017

[Adopted without a vote.]

34/104. Outcome of the universal periodic review: Iceland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Iceland on 1 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Iceland, comprising the report thereon of the Working Group on the Universal Periodic Review,[79] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[80]

41st meeting
16 March 2017

[Adopted without a vote.]

34/105. Outcome of the universal periodic review: Zimbabwe

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Zimbabwe on 2 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Zimbabwe, comprising the report thereon of the Working Group on the Universal Periodic Review,[81] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[82]

41st meeting
16 March 2017

[Adopted without a vote.]

34/106. Outcome of the universal periodic review: Lithuania

The Human Rights Council,

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[78] A/HRC/34/6/Add.1; see also A/HRC/34/2, chap. VI.

[79] A/HRC/34/7.

[80] A/HRC/34/7/Add.1; see also A/HRC/34/2, chap. VI.

[81] A/HRC/34/8.

[82] A/HRC/34/8/Add.1; see also A/HRC/34/2, chap. VI.

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Lithuania on 2 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Lithuania, comprising the report thereon of the Working Group on the Universal Periodic Review,[83] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[84]

41st meeting
16 March 2017

[Adopted without a vote.]

34/107. Outcome of the universal periodic review: Uganda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Uganda on 3 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Uganda, comprising the report thereon of the Working Group on the Universal Periodic Review,[85] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[86]

42nd meeting
16 March 2017

[Adopted without a vote.]

34/108. Outcome of the universal periodic review: Timor-Leste

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Timor-Leste on 3 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Timor-Leste, comprising the report thereon of the Working Group on the Universal Periodic Review,[87] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[88]

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[83] A/HRC/34/9.

[84] A/HRC/34/9/Add.1; see also A/HRC/34/2, chap. VI.

[85] A/HRC/34/10.

[86] A/HRC/34/10/Add.1; see also A/HRC/34/2, chap. VI.

[87] A/HRC/34/11.

42nd meeting
16 March 2017

[Adopted without a vote.]

34/109. Outcome of the universal periodic review: Republic of Moldova

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Republic of Moldova on 4 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Republic of Moldova, comprising the report thereon of the Working Group on the Universal Periodic Review,[89] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[90]

42nd meeting
16 March 2017

[Adopted without a vote.]

34/110. Outcome of the universal periodic review: Haiti

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Haiti on 7 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Haiti, comprising the report thereon of the Working Group on the Universal Periodic Review,[91] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[92]

44th meeting
17 March 2017

[Adopted without a vote.]

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[88] A/HRC/34/11/Add.1; see also A/HRC/34/2, chap. VI.

[89] A/HRC/34/12.

[90] A/HRC/34/12/Add.1; see also A/HRC/34/2, chap. VI.

[91] A/HRC/34/14.

[92] A/HRC/34/14/Add.1; see also A/HRC/34/2, chap. VI.

34/111. Outcome of the universal periodic review: South Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of South Sudan on 7 November 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of South Sudan, comprising the report thereon of the Working Group on the Universal Periodic Review,[93] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[94]

44th meeting
17 March 2017

[Adopted without a vote.]

C. President's statement

PRST 34/1. Situation of human rights in Haiti

At the 59th meeting, held on 24 March 2017, the President of the Human Rights Council made the following statement:

"The Human Rights Council,

1. Thanks the Independent Expert for his report on the situation of human rights in Haiti[95] and takes note of the latest legal and political developments in Haiti, in particular the following:

(a) The inauguration of the new Parliament in January 2016, the holding of legislative, presidential and senatorial elections in November 2016, and the holding of local elections in January 2017;

(b) The new composition of the Provisional Electoral Council, of which three of the nine members are women;

(c) The election by universal suffrage of the 58th President of Haiti, and his inauguration on 7 February 2017;

(d) The ratification by the Haitian Parliament of the Paris Agreement on climate change, on 12 February 2017;

(e) The inauguration of the new Government on 22 March 2017;

2. Welcomes the holding of the universal periodic review of Haiti on 7 November 2016;

3. Also welcomes the establishment on 5 September 2016 of a presidential commission on prolonged pretrial detention with a view to putting an end to human rights violations in that context, and the establishment on 25 February 2017 of a presidential commission of inquiry on the situation of detainees in prison settings;

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[93] A/HRC/34/13.

[94] A/HRC/34/13/Add.1; see also A/HRC/34/2, chap. VI.

[95] A/HRC/34/73.

4. *Further welcomes* the submission of three conventions to Parliament for ratification, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

5. *Welcomes* the report of the Secretary-General on the reconfiguration of the United Nations presence in Haiti, including the United Nations Stabilization Mission in Haiti,[96] and recalls the importance of the protection and promotion of human rights in Haiti;

6. *Also welcomes* the new United Nations approach to cholera in Haiti presented by the Secretary-General in his report on the subject[97] and welcomed by the General Assembly in its resolution 71/161 of 16 December 2016;

7. *Acknowledges* that the full enjoyment of all civil, political, economic, social and cultural human rights constitutes a factor conducive to peace, stability and development in Haiti;

8. *Welcomes* the renewed commitment of Haiti to the effective implementation of the international human rights treaties to which Haiti is a party, with the consideration of its second and third periodic reports by the Committee on the Rights of the Child in January 2016[98] and of its eighth and ninth periodic reports by the Committee on the Elimination of Discrimination against Women in March 2016;[99]

9. *Encourages* the Government of Haiti to continue to cooperate fully and effectively with the treaty bodies and to submit its pending reports to said bodies as appropriate;

10. *Also encourages* the Government of Haiti to follow up on the draft Criminal Code and draft Code of Criminal Procedure, which underpin the reform and modernization of the judicial system, and to develop and implement a strategy to reduce the duration of pretrial detention and improve conditions of detention;

11. *Expresses the wish* that the Haitian authorities reaffirm their commitment to improve the living conditions of Haitian women and men, including by devoting greater attention to respect for human rights, and in this regard expresses concern about existing human rights challenges and encourages the Haitian authorities to make further progress in this area;

12. *Notes with regret* that women are underrepresented in Parliament, strongly encourages the Government of Haiti to enhance the participation of women in political life, and urges it to implement article 17.1 of the 1987 Constitution, which establishes a minimum quota of 30 per cent for women at all levels of national life;

13. *Urges* the Government of Haiti to continue strengthening the rule of law, including by combating impunity and corruption and tackling crime and its causes, and strongly encourages it to continue building the capacity of the national police and the prison system, as well as strengthening measures to ensure the independence, professionalism and impartiality of the judiciary, with a view to ensuring the proper functioning of public institutions and services and the enjoyment of all human rights;

14. *Encourages* the Government of Haiti to strengthen national human rights institutions, in particular the Office of the Ombudsman, to ensure that the latter complies with the Principles relating to the status of national institutions for

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[96] S/2017/223.

[97] A/71/620.

[98] CRC/C/HTI/2-3.

[99] CEDAW/C/HTI/8-9.

the promotion and protection of human rights (the Paris Principles) and to provide it with the necessary resources to perform its work completely independently;

15. Strongly encourages the Government of Haiti to continue to adopt the necessary political and legal measures to safeguard the rights of vulnerable persons, including child domestic workers and victims of human trafficking, and to accord special attention to the situation of persons who lack identity documents;

16. Also strongly encourages the Government of Haiti to continue to combat gender-based violence and discrimination;

17. Encourages the Government of Haiti to continue the search for sustainable solutions for the economic development of Haiti, based on agriculture, which is the main source of income for the majority of the population;

18. Warmly commends the important work done by the Independent Expert on the situation of human rights in Haiti within the framework of technical assistance and capacity-building;

19. Urges the Government of Haiti to implement the recommendations made by the Independent Expert in his report:

(a) Eradicate illiteracy within a reasonably short time frame;

(b) Put an end to the practice of prolonged pretrial detention, by facilitating the work of the presidential commission set up for this purpose and implementing its recommendations as soon as possible;

(c) Establish a truth, justice and reparation commission in respect of the large-scale, systematic human rights violations committed in the past;

(d) Provide access to decent housing for internally displaced persons still living in camps following the earthquake in 2010 and Hurricane Matthew;

(e) Provide Haitians and persons of Haitian origin who are living or have lived abroad and who are at risk of statelessness with the civil status documents necessary for the exercise of their rights;

20. Invites the Haitian authorities to strengthen the Interministerial Human Rights Committee established by decree of 13 May 2013, which is responsible for coordinating and harmonizing public policies in the field of human rights for the purpose of ensuring, without discrimination of any kind, the enjoyment of, respect for and protection of human rights and fundamental freedoms for all, in accordance with the Constitution and the commitments entered into by Haiti, in order to continue to work, under the chairmanship of the Prime Minister, with national and international human rights mechanisms, civil society and non-governmental organizations, with a view to implementing these recommendations;

21. Requests the Government of Haiti, with the assistance of the Office of the United Nations High Commissioner for Human Rights, the special procedures and the Interministerial Human Rights Committee, and in close consultation with civil society, the Office of the Ombudsman and other stakeholders, to prepare a plan of action to implement the recommendations made by human rights mechanisms, including those made in the context of the universal periodic review and by the Independent Expert, to establish a national reporting and follow-up mechanism on the fulfilment of targets and indicators related to technical assistance programmes, to establish a timetable for achieving the objectives set and to identify the resources required in order to implement this plan;

22. Also requests the Government of Haiti to support a national reporting and follow-up mechanism to coordinate the implementation of the national action plan, with technical assistance from the Office of the High Commissioner;

23. Requests the High Commissioner for Human Rights to present an oral update on the implementation of the plan at the thirty-seventh session of the Human

Rights Council, and to submit a written report at its thirty-eighth session, in the context of an interactive dialogue under agenda item 10;

24. *Encourages* the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the Caribbean Community, the group of countries known as the Friends of Haiti and the specialized bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, to step up their cooperation and coordination efforts with the Haitian authorities with a view to the full realization of all human rights in Haiti;

25. *Calls upon* the international community to continue to support, upon request, the Office of the Ombudsman through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of the human rights and fundamental freedoms of the Haitian people, in accordance with the Paris Principles;

26. *Welcomes* the decision of the Haitian authorities to continue working with the Office of the United Nations High Commissioner for Human Rights to ensure respect for and the promotion of human rights in Haiti."

V. Thirty-fifth session

A. Resolutions

35/1. Seventieth anniversary of the Universal Declaration of Human Rights and twenty-fifth anniversary of the Vienna Declaration and Programme of Action

For the text of the resolution, see chapter II.

35/2. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 32/22 of 1 July 2016, and the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[100] which includes, inter alia, the Sustainable Development Goal of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all,

Reiterating the commitment to strengthen the means of implementation, in accordance with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[101] for ensuring the full realization of the Sustainable Development Goals, and in this context welcoming the adoption of the Education 2030 Framework For Action, which aims to mobilize all countries and partners and to provide guidance for achieving Goal 4 on education and its targets,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

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[100] General Assembly resolution 70/1.

[101] General Assembly resolution 69/313, annex.

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults, owing to, inter alia, cultural or religious reasons, early marriage or pregnancy, or on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators and ensuring justiciability, as appropriate, of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures, such as:

(*a*) Addressing issues of availability, accessibility, quality and equality in education, including in non-formal education mechanisms and programmes, and in this regard ensuring the access of adults to education;

(*b*) Creating an enabling policy environment, as appropriate, for the recognition, validation and accreditation of knowledge, skills and competencies acquired through non-formal and informal learning, in order for such learning to be recognized and used in the formal education system or the job market;

(*c*) Contemplating non-formal and informal learning in the context of emergency response plans, in order to ensure that education continues to be delivered;

(*d*) Assessing the quality of education, including non-formal education mechanisms and programmes, including through independent assessments, and taking appropriate remedial or other action to address policies or practices that prevent the enjoyment of the right to education by, inter alia, engaging with existing national human rights mechanisms, parliamentarians and civil society;

(*e*) Putting in place a regulatory framework for education providers, including those operating independently or in partnership with States, guided by international human rights obligations, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequality of and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and

lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Calls upon* States to promote technical vocational education and training, as well as apprenticeship, by implementing appropriate policies and programmes, as a means of ensuring the realization of the right to education;

6. *Welcomes*:

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on realizing the right to education through non-formal education;[illegible]

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and education-related Sustainable Development Goals;

7. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and promote lifelong learning for all;

8. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

9. *Requests* the Special Rapporteur to take fully into account, in the discharge of her mandate, all provisions of Human Rights Council resolutions on the right to education and to apply a gender perspective to her work;

10. *Requests* all States to continue to cooperate with the Special Rapporteur with a view to facilitating her tasks in the discharge of her mandate, and to respond favourably to her requests for information and visits;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

13. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and persons with low qualifications;

[illegible] A/HRC/35/24.

14. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in the realization of the right to education, including through the use of information and communications technology;

15. *Calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including higher education in humanitarian emergencies and conflict situations;

16. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

17. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including bullying of children, in schools and other educational settings, such as school-related gender-based violence, and to realize gender equality and the right to education for all;

18. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

19. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

20. *Encourages* the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

21. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

22. *Decides* to remain seized of the matter.

34th meeting
22 June 2017

[Adopted without a vote.]

35/3. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011, 18/5 of 29 September 2011, 21/10 of 27 September 2012, 23/12 of 13 June 2013, 26/6 of 26 June 2014, 29/3 of 2 July 2015 and 32/9 of 30 June 2016,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto, *Underlining* the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,[103]

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Reaffirming also the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

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[103] General Assembly resolution 70/1.

3. *Reiterates its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Welcomes* the report of the Independent Expert on human rights and international solidarity[104] and the work conducted by her, including the preparation of a draft declaration on the right to international solidarity;

9. *Decides* to extend the mandate of the Independent Expert on human rights and international solidarity for a period of three years;

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his or her mandate, and to supply all necessary information requested by the mandate holder, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable the Independent Expert to fulfil his or her mandate effectively;

11. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

13. *Reiterates its request* to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of the mandate of the Independent Expert;

14. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

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[104] A/HRC/35/35.

15. *Decides* to continue its consideration of this matter under the same agenda item.

34th meeting
22 June 2017

[Adopted by a recorded vote of 32 to 15, with no abstention. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

35/4. Promotion of the right to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right to peace and the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolution 32/28 of 1 July 2016,

Welcoming the adoption by the General Assembly, by its resolution 71/189 of 19 December 2016, of the Declaration on the Right to Peace,

Recalling that States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the Declaration, in particular the United Nations Educational, Scientific and Cultural Organization,

1. *Recalls* that everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized;

2. *Stresses* that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies;

3. *Recognizes* that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured;

4. *Decides* to convene, with the support of the United Nations High Commissioner for Human Rights, in the period between the thirty-seventh and the thirty-eighth sessions of the Human Rights Council, a half-day intersessional workshop on the right to peace, to discuss the implementation of the Declaration on the Right to Peace;

5. *Requests* the High Commissioner to submit a report on the workshop, in the form of a summary, to the Human Rights Council at its thirty-ninth session;

6. *Encourages* all Member States, specialized agencies and civil society to participate in the discussions of the workshop so that worldwide representation in the debates can be ensured;

7. *Decides* to remain seized of the matter.

34th meeting
22 June 2017

[Adopted by a recorded vote of 32 to 11, with 4 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Belgium, Croatia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Georgia, Portugal, Switzerland]

35/5. Mandate of the Special Rapporteur on trafficking in persons, especially women and children

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children, including Council resolutions 26/8 of 26 June 2014, on the mandate of the Special Rapporteur on trafficking in persons, especially women and children, and 32/3 of 30 June 2016, on protecting victims of trafficking and persons at risk of trafficking, especially women and children, in conflict and post-conflict situations,

Reaffirming also the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Reaffirming further the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[108] and recalling targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Recalling Economic and Social Council resolution 2015/23 of 21 July 2015 on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007,

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[108] General Assembly resolution 70/1

1. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children, in the promotion of the global fight against trafficking in persons;

2. *Takes note with appreciation* of the thematic report of the Special Rapporteur on strengthening voluntary standards for businesses on preventing and combating trafficking in persons and labour exploitation, especially in supply chains,[106] and her thematic reports on trafficking in persons in conflict and post-conflict situations;[107]

3. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years;

4. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information related to the mandate and to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

5. *Underlines* the importance that the Special Rapporteur continue to participate in relevant international forums and events on migration with a view to combating trafficking and upholding the human rights of victims of trafficking in persons, especially women and children;

6. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable her to discharge the mandate fully;

7. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children.

34th meeting
22 June 2017

[Adopted without a vote.]

35/6. Special Rapporteur on the rights of persons with disabilities

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and guided also by the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination of any kind,

Deeply concerned that, in all parts of the world, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights, and conscious that greater attention and commitment is needed to address these challenges,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons with disabilities,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolution 26/20 of 27 June 2014,

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[106] A/HRC/35/37.

[107] A/HRC/32/41 and Corr.1 and A/71/303.

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against persons with disabilities and to promote, protect and respect their human rights;

2. *Welcomes* the work of the Special Rapporteur on the rights of persons with disabilities;

3. *Decides* to extend the mandate of the Special Rapporteur on the rights of persons with disabilities for a further period of three years, with the following mandate:

(*a*) To develop a regular dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks designated under article 33, paragraph 2, of the Convention on the Rights of Persons with Disabilities, persons with disabilities and their representative organizations, and other civil society organizations, to identify, exchange and promote good practices relating to the realization of the rights of persons with disabilities and their participation as equal members of society;

(*b*) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with disabilities and their representative organizations and other civil society organizations, on violations of the rights of persons with disabilities;

(*c*) To make concrete recommendations on how to better promote and protect the human rights of persons with disabilities, including on eliminating discrimination, violence and social exclusion, how to contribute to the realization of the internationally agreed development goals for persons with disabilities, in the Sustainable Development Goals, and related data-collection efforts, how to promote development that is inclusive of and accessible to persons with disabilities, and how to promote their role as both agents for and beneficiaries of development;

(*d*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with disabilities;

(*e*) To raise awareness of the rights of persons with disabilities, to combat stigma, stereotypes, prejudices, segregation and all harmful practices that hinder their opportunity to fully enjoy their human rights to participate in society on an equal basis with others, to promote awareness of their positive contributions and to inform persons with disabilities about their rights;

(*f*) To work closely with the special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies, in particular the Committee on the Rights of Persons with Disabilities, and other relevant United Nations agencies, programmes and funds, including the United Nations Partnership to Promote the Rights of Persons with Disabilities, and the Special Envoy of the Secretary-General on Disability and Accessibility with a view to avoiding unnecessary duplication, including in relation to communications;

(*g*) To cooperate closely with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Commission for Social Development, including by participating in their annual sessions upon request;

(*h*) To integrate a gender perspective throughout the work of the mandate and to address multiple, intersecting and aggravated forms of discrimination faced by persons with disabilities;

(*i*) To report annually to the Human Rights Council, starting from its thirty-seventh session, and to the General Assembly, starting from its seventy-second session, in accessible formats, including Braille and easy-to-read reports, and international sign language interpretation and closed captioning during the presentation of the reports, and in accordance with their respective programmes of work;

4. *Calls upon* all States to cooperate with the Special Rapporteur in the performance of his or her mandate, including by providing all necessary information requested, to give serious consideration to responding favourably to his or her requests to visit their countries, and to consider the conclusions and appropriate follow-up, and implementing the recommendations made by the mandate holder in his or her reports;

5. *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil his or her mandate;

6. *Calls upon* those States that have not yet done so to consider ratifying or acceding to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

7. *Requests* the Secretary-General to bring the reports of the Special Rapporteur to the attention of the Committee on the Rights of Persons with Disabilities, the Conference of States Parties and the Commission for Social Development for their information and to avoid unnecessary duplication;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of his or her mandate.

34th meeting
22 June 2017

[Adopted without a vote.]

35/7. Business and human rights: mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement by consensus of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address the adverse human rights impact of business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" framework,[108]

Recalling its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Recognizing the progress made and the continuing efforts to implement the Guiding Principles by some States, business enterprises, international organizations and members of civil society, and the role of the United Nations Global Compact in, inter alia, promoting the Guiding Principles,

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[108] A/HRC/17/31, annex.

Recognizing also the valuable role played by civil society, including non-governmental organizations, in promoting accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of some business enterprises and activities,

Noting the role that national action plans and other such frameworks on business and human rights can play as tools for promoting the comprehensive and effective implementation of the Guiding Principles,

Concerned at legal and practical barriers to remedies for business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues, and recognizing that it may be further considered how relevant legal frameworks can provide more effective avenues of remedy for affected individuals and communities,

Recalling the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles and exploring options for enhancing access to effective remedies,

Recognizing that the annual Forum on Business and Human Rights has become a valuable opportunity to promote dialogue and cooperation on issues linked to lessons learned on business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as to identify good practices,

Recognizing also the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard,

Recalling the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 (2013) of the Committee on the Rights of the Child,

Welcoming the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development", and in this context, in particular paragraph 67 thereof,

Taking note of the adoption by the Governing Body of the International Labour Organization in March 2017 of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which takes into account, inter alia, the Guiding Principles,

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfilment of its mandate, and notes its role in regional forums and consultations to discuss challenges and lessons learned from implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context;

2. *Recognizes* that the effective implementation of the Guiding Principles should cover a broad range of public policy areas and involve the participation of relevant stakeholders, and encourages all States to take steps to implement the Guiding Principles, including by developing a national action plan or other such framework;

3. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles;

4. *Takes note* of the report of the Working Group on the challenges and opportunities for small and medium-sized enterprises in the implementation of the Guiding Principles[109] and its study on cross-border cooperation between States with respect to law enforcement on the issue of business and human rights,[110] prepared pursuant to Human Rights Council resolution 32/10;

5. *Welcomes* the efforts of the Working Group to collect and disseminate information on ongoing processes to develop national action plans and other relevant data on global progress in the implementation of the Guiding Principles, and in this regard invites States and all relevant stakeholders to submit information to and engage with the Working Group on their national action plans and other relevant initiatives and on the implementation of such commitments;

6. *Notes with appreciation* the guidance prepared by the Working Group for the development and implementation of effective national action plans or other such frameworks, including with regard to access to both judicial and non-judicial remedy;

7. *Encourages* the Working Group to promote good practices and to identify challenges in the implementation of the Guiding Principles;

8. *Welcomes* the role of the Working Group in guiding the three-day annual Forums on Business and Human Rights;

9. *Decides* that the Working Group shall guide the work of the Forum and prepare its annual meetings, and invites the Working Group to chair the Forum and to submit a report on the proceedings and thematic recommendations of the Forum to the Human Rights Council for its consideration;

10. *Welcomes* that the central theme of the 2017 Forum on Business and Human Rights is "Realizing access to Remedy" as it can allow taking stock and identifying further ways forward in the implementation of the third pillar of the Guiding Principles;

11. *Decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as set out by the Human Rights Council in its resolution 17/4, for a period of three years;

12. *Requests* the Working Group, in accordance with its mandate, to give due consideration to the implementation of the Guiding Principles in the context of the 2030 Agenda for Sustainable Development;

13. *Encourages* all States, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as public and private businesses to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding to communications transmitted, as provided in paragraph 6 (*b*) of resolution 17/4, and, in the case of States, to reply favourably to requests for visits by the Working Group;

14. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments, and invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

15. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses and to inform further deliberations of the Human Rights Council on business and human rights;

16. *Welcomes* the efforts made by national human rights institutions to enhance their capacity to support corporate responsibility, including through the implementation of the Guiding Principles by all stakeholders;

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[109] A/HRC/35/32

[110] A/HRC/35/33

17. *Recalls* the report of the Secretary-General on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies,[111] and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles throughout the United Nations system;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the resources and assistance necessary for the Working Group to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

19. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the growing participation in the Forum and paying particular attention to regional balance and ensuring the participation of affected individuals and communities;

20. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

34th meeting
22 June 2017

[Adopted without a vote.]

35/8. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling further all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 32/6 of 30 June 2016 and Assembly resolution 71/194 of 19 December 2016,

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia, that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September

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[111] A/HRC/26/20.

2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good-neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue is significant to promote the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels, *Emphasizing* that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

9. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

10. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law,

should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

11. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

12. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

13. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

14. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

15. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;[112]

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

17. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

18. *Urges* States to continue to support the funds;

19. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

20. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

21. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

22. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

23. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

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[112] See A/HRC/32/51 and A/HRC/34/74.

24. *Recalls* that, in its resolution 71/194, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

25. *Decides* to continue its consideration of the matter in 2018, in accordance with its annual programme of work.

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[Adopted by a recorded vote of 32 to 3, with 12 abstentions.* The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Hungary, Republic of Korea, United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Germany, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland]

35/9. Elimination of discrimination against persons affected by leprosy and their family members

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, and recalling relevant international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 8/13 of 18 June 2008, 12/7 of 1 October 2009, 15/10 of 30 September 2010 and 29/5 of 2 July 2015, and General Assembly resolution 65/215 of 21 December 2010,

Recalling further the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Welcoming the Global Leprosy Strategy 2016-2020 of the World Health Organization, and sharing the common aspiration to accelerate towards a leprosy-free world,

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* The delegation of Hungary subsequently stated that it had intended to abstain.

Recalling that leprosy is curable and that the human rights of persons with leprosy could be better protected by treatment provided in the early stages, which can prevent disability,

Deeply concerned that, in various parts of the world, persons affected by leprosy and their family members have faced and continue to face barriers to their participation as equal members of society, including isolation, discrimination and violations and abuses of their human rights, and conscious that greater attention is needed to address these challenges,

Reaffirming that persons affected by leprosy and their family members, including women and children, should be treated with dignity and are entitled to the enjoyment of all human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws,

Recognizing that persons affected by leprosy and their family members still face multiple forms of prejudice and discrimination stemming from misinformation about and misunderstanding of the disease throughout the world,

Recognizing also that specific attention is needed to address all forms of discrimination against persons affected by leprosy and their family members,

Bearing in mind the need to intensify efforts to eliminate all forms of prejudice and discrimination against persons affected by leprosy and their family members and to promote policies facilitating their inclusion, throughout the world,

Stressing the importance of implementing the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, submitted by the Advisory Committee in 2010,[113] to which Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions were encouraged to give due consideration in Council resolution 15/10 and General Assembly resolution 65/215,

Welcoming the final report of the Advisory Committee, submitted pursuant to Human Rights Council resolution 29/5, and the recommendations contained therein,[114]

1. *Decides* to appoint, for a period of three years, a Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members, with the following mandate:

(*a*) To follow up and report on progress made and measures taken by States for the effective implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members[113] for the realization of the enjoyment of human rights by persons affected by leprosy and their family members in all regions of the world, and to make recommendations to the Human Rights Council in this regard;

(*b*) To engage in dialogue and consult with States and other relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, in particular the World Health Organization, other intergovernmental organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to identify, exchange and promote good practices relating to the realization of the rights of persons affected by leprosy and their family members, and to their participation as equal members of society with a view to achieving a leprosy-free world;

(*c*) To raise awareness of the rights of persons affected by leprosy and their family members and to combat stigmas, prejudices and harmful traditional practices and beliefs that hinder their enjoyment of human rights and fundamental freedoms and their participation in society on an equal basis with others;

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[113] A/HRC/15/30, annex.

[114] A/HRC/35/38.

(*d*) To report annually to the Human Rights Council, starting from its thirty-eighth session;

2. *Calls upon* all States to cooperate with the Special Rapporteur in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and to consider implementing the recommendations made in the reports of the mandate holder;

3. *Encourages* all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

5. *Encourages* the High Commissioner and the Special Rapporteur, in collaboration with States and with relevant international organizations such as the World Health Organization as well as concerned non-governmental organizations, to organize seminars on leprosy-related discrimination, at appropriate times and in appropriate locations, in order to widely disseminate the principles and guidelines and deepen the understanding of them among States and all other concerned stakeholders, ensuring substantial participation by persons affected by leprosy;

6. *Encourages* States, all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, such as the World Health Organization, the special procedures, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to participate actively in the seminars;

7. *Decides* to remain seized of the matter.

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22 June 2017

[Adopted without a vote.]

35/10. Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls

The Human Rights Council,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Recalling also its resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls", and General Assembly resolution 71/170 of 19 December 2016, entitled "Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence",

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: The 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and the empowerment of all women and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to combat violence against women and girls,

Taking note with appreciation of the World Health Organization global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children, building on existing work of the Organization, in particular its call for the prevention and elimination of all forms of sexual and other forms of gender-based violence in public and private life,

Taking note of the work of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Expressing deep concern about the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of their human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Expressing concern at institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict access to institutions, property and landownership, nationality, health care and services, education, employment and access to credit, which negatively affect their empowerment and increase their vulnerability to violence, and compound the violence experienced,

Recognizing that violence against women is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic independence and impose direct and indirect short- and long-term costs on society and individuals, including, as relevant, lost economic output and the psychological and physical impact thereof, as well as expenses relating to health care, the legal sector, social welfare and specialized services, *Recognizing also* that those who are exposed to or experience violence in childhood are at increased risk of becoming perpetrators of violence against women and girls, and therefore recognizing the need to prevent and eliminate violence against women and children in order to help to stop the intergenerational cycle of violence,

Expressing deep concern that, during times of armed conflict and post-conflict, forced displacement and humanitarian crisis situations women and girls face a heightened risk of sexual and other forms of gender-based violence, and expressing concern at the lack of effective measures of accountability and redress as well as effective remedies, including access to health care and services, psychosocial support, legal assistance and socioeconomic reintegration services for victims of sexual violence,

Fully recognizing that everyone, including men and boys, benefits from the achievement of gender equality and that the negative impacts of gender inequality, discrimination and violence against women and girls are borne by society as a whole, and emphasizing, therefore, that men and boys, by taking responsibility themselves and working jointly in partnership with women and girls at all levels, are essential to efforts to prevent and eliminate all forms of discrimination and violence against women and girls,

Emphasizing the important role that men and boys can play in preventing and eliminating violence against women and girls, including by challenging gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence and further developing and implementing measures that reinforce non-violent actions, attitudes and values, and encouraging men and boys, alongside women and girls, as agents and beneficiaries of gender equality, to take an active part in efforts to prevent and eliminate all forms of violence and discrimination against women and girls,

Bearing in mind the important role that men and boys can play when developing and implementing policies, programmes and strategies for gender equality and for preventing and eliminating violence against women and girls, and in this regard recognizes United Nations and other strategies and initiatives that promote men's and boys' involvement in gender equality, such as the "HeForShe" campaign, as tools in raising awareness of the crucial roles and responsibilities that men and boys play in the achievement of gender equality and the empowerment of women and girls,

Recognizing the importance of investment to close resource gaps for achieving gender equality and the empowerment of all women and girls, and that resources for gender equality initiatives for men and boys should build upon rather than compromise opportunities and resources for women and girls,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Recognizes* that violence against women and girls persists in every country in the world as a pervasive violation, abuse or impairment of human rights and is a major impediment to achieving gender equality and the empowerment of all women and girls, sustainable development, peace, security and the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development;[115]

3. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including digital and online spaces, and notes the economic and social harm caused by such violence;

4. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by State or non-State actors, and calls for the elimination of all forms of sexual and other forms of gender-based violence, including where perpetrated or condoned by the State;

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[115] General Assembly resolution 70/1.

5. *Recognizes* the critical role of women and girls as well as of women's and youth organizations and organizations led by women and girls as agents of change, and in this regard urges States to meaningfully engage with women and girls as active and equal participants in the planning, design, implementation and monitoring of legislation, policies and programmes, including programmes aimed at engaging men and boys;

6. *Also recognizes* the critical role of men and boys in preventing and eliminating all forms of discrimination and violence against women and girls in both the public and private spheres, and urges States to design and implement national policies and programmes that address the roles and responsibilities of men and boys in the promotion of gender equality;

7. *Urges* States to condemn strongly and publicly all forms of violence against women and girls in all settings, public and private, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, including by eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation;

8. *Continues to express particular concern* at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon States to fulfil their obligations to prevent violations and abuses against all human rights defenders, including through practical steps to prevent threats, harassment and violence, and to combat impunity by ensuring that those responsible for violations or abuses, including all types of gender-based violence and threats, committed by State or non-State actors, are promptly brought to justice through impartial investigations;

9. *Calls upon* States to take immediate and effective action to prevent violence against women and girls by:

(*a*) Fully engaging men and boys, alongside women and girls, including community and religious leaders, as agents and beneficiaries of achieving gender equality and the empowerment of all women and girls as a contribution to the elimination of violence against women and girls;

(*b*) Addressing the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, and socioeconomic drivers of violence, and unequal power relations such as patriarchal norms that view women and girls as subordinate to men and boys and that normalize, condone or perpetuate discrimination and violence against women and girls;

(*c*) Designing, implementing and regularly monitoring the impact of national policies, programmes and strategies that address the roles and responsibilities of men and boys, including by transforming social-cultural norms and traditional and customary practices that condone violence against women and girls, counteracting attitudes by which women and girls are regarded as subordinate to men and boys or as having stereotyped gender roles that perpetuate practices involving violence or coercion, and aiming to ensure the equal sharing of responsibilities between women and men and girls and boys in unpaid care and domestic work, including through parental leave policies, and increased flexibility in working arrangements which would facilitate the equal sharing of responsibilities;

(*d*) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(*e*) Strengthening measures to prevent and eliminate violence against and victimization of women and girls living with, at risk of or affected by HIV, and integrating such measures into comprehensive HIV policies and programmes, while fully engaging men and boys to recognize that gender equality and positive social norms promote effective responses to HIV;

(*f*) Engaging, educating, encouraging and supporting men and boys to be positive role models for gender equality and to promote respectful relationships, to refrain from and condemn all forms of discrimination and violence against women and girls, to take responsibility and be held accountable for behaviour, including behaviour that perpetuates gender stereotypes, including misconceptions about masculinities that underlie discrimination and violence against women and girls, to increase their understanding of the harmful effects of violence for the victim/survivor and society as a whole, and to ensure that men and boys take responsibility for their sexual and reproductive behaviour;

(*g*) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with appropriate direction and guidance from parents and legal guardians, with the active involvement of all relevant stakeholders, in order to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(*h*) Developing, investing in and implementing evidence-based policies, strategies and programmes, and awareness-raising campaigns to promote respectful relationships, provide positive role models for gender equality and encourage men and boys, alongside women and girls, to see themselves as agents and beneficiaries of the elimination of all forms of discrimination and violence against women and girls;

(*i*) Enacting or strengthening and enforcing laws and policies to eliminate all forms of violence and harassment against women of all ages in the world of work, including sexual harassment, so as to promote the realization of women's and girls' economic rights and empowerment and to facilitate women's full and productive employment and contribution to the economy, including by engaging men and boys to recognize the societal and economic costs of violence and harassment;

(*j*) Building on evidence-based research and policy initiatives and legislative approaches that support the constructive engagement of men and boys in preventing violence against women and girls, including in primary prevention, prevention skill-building, group education, community outreach, mobilization and mass media campaigns and early childhood gender equality education programmes and curricula;

(*k*) Measuring the effectiveness of policies and programmes to prevent violence against women and girls and to address gender inequalities, including those aimed at engaging men and boys and understanding behavioural change, as well as establishing the cost of violence against women and girls by collecting adequate and comprehensive disaggregated data and gender statistics to expose the costs of inaction, including through awareness-raising activities;

10. *Also calls upon* States to take immediate and effective action to respond to violence against women and girls and to protect all victims/survivors by:

(*a*) Ensuring that all initiatives on preventing and ending violence against women and girls aimed at engaging men and boys are designed and promoted with the aim of ensuring that the concerns of women and girls, their rights, their empowerment, their safety and their equal and meaningful participation in decision-making at all levels are prioritized;

(*b*) Ensuring that remedies for women and girls subjected to gender-based violence, whether judicial, administrative, policy or other measures, including shelters and protection orders, are women-centred, available, accessible, acceptable, age- and gender-sensitive and adequately address victims'/survivors' rights and needs, including by providing information and education on the importance of protecting confidentiality, preventing stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress if they choose, and ensuring reasonable evidentiary standards;

(*c*) Holding persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims/survivors of such violence;

(*d*) Taking practical and concrete steps, in law and in practice, to create a safe and enabling environment where women and girls can easily report incidents of violence and receive post-gender-based violence care, including by providing men and women, particularly law enforcement officials, health-care providers and other first responders, with human rights training to ensure services that are women-centred, responsive to trauma and free from discrimination or stigmatization, and that prevent re-victimization;

(*e*) Developing and implementing the establishment of rehabilitative services in order to encourage and bring changes in the attitudes and behaviour of perpetrators of violence against women and girls and to reduce the likelihood of reoffending, and to monitor and assess their impact and effect, while the safety, support and human rights of the victims/survivors remain their primary concern;

11. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note with appreciation of her reports;[116]

12. *Also welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-fifth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its thirty-seventh session;

13. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and other United Nations funds, programmes and agencies, as well as Member States, international human rights mechanisms, civil society organizations and other relevant stakeholders, to prepare a report before the thirty-eighth session of the Human Rights Council to review promising practices and lessons learned, existing strategies and United Nations and other initiatives to engage men and boys in promoting and achieving gender equality, in particular efforts to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate violence against women and girls, and to make recommendations for further action by States and the international community in this regard;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

34th meeting
22 June 2017

[Adopted without a vote.]

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[116] A/HRC/32/42 and Corr.1 and A/HRC/35/30.

35/11. Mandate of the Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Recalling all previous resolutions and decisions of the Human Rights Council, as well as those of the Commission on Human Rights and the General Assembly, on the independence of the judiciary and on the integrity of the judicial system,

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law, and for ensuring fair trials without any discrimination,

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of the mandate;

2. *Decides* to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 26/7 of 26 June 2014;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond to communications transmitted to them by the Special Rapporteur without undue delay, to consider responding favourably to his or her requests for visits and to consider implementing his or her recommendations;

4. *Encourages* the United Nations, including its specialized agencies, and regional organizations, national human rights institutions, independent experts, bar associations, professional associations of judges and prosecutors, non-governmental organizations and other relevant stakeholders, to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of his or her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

34th meeting
22 June 2017

[Adopted without a vote.]

35/12. Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action, *Recalling* the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Bangalore Principles of Judicial Conduct and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

Recalling also all previous resolutions and decisions of the Human Rights Council, the Commission on Human Rights and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Taking note of the reports of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council at its thirty-second[117] and thirty-fifth[118] sessions, and to the General Assembly at its seventy-first session,[119]

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination,

Recalling that prosecutors should, in accordance with the law, perform their functions fairly, consistently and expeditiously, respect and protect human dignity, and uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system,

Emphasizing that the independence and impartiality of the judiciary and the independence of lawyers and the legal profession are necessary elements in the realization of Sustainable Development Goal 16 of the 2030 Agenda of Sustainable Development,[120] in which Member States committed, inter alia, to provide equal access to justice for all and build effective, accountable and inclusive institutions at all levels,

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession consistent with applicable standards contained in relevant international instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

Recalling also that it is essential to ensure that judges, prosecutors, lawyers and court officials possess the professional qualifications required for the performance of their functions through improved methods of recruitment, as well as legal and professional training, and through the provision of all necessary means for the proper performance of their role in ensuring the rule of law,

Noting the importance of tailored and interdisciplinary human rights training for all judges, lawyers, prosecutors and other professionals concerned in the administration of justice as a measure for avoiding discrimination in the administration of justice,

Stressing the importance of ensuring accountability, transparency and integrity in the judiciary as an essential element of judicial independence and as a concept inherent to the rule of law when it is implemented in line with the Basic Principles on the Independence of the Judiciary and other relevant norms, principles and standards,

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[117] A/HRC/32/34.

[118] A/HRC/35/31.

[119] A/71/348.

[120] General Assembly resolution 70/1.

Emphasizing that judges, prosecutors and lawyers play a critical role in upholding human rights, including the absolute and non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment,

Emphasizing also that an independent and impartial judiciary, objective and impartial prosecution services and an independent legal profession, which foster a balanced representation of men and women and the establishment of gender-sensitive procedures, are essential for the effective protection of women's rights, including protection from violence and revictimization through court systems, to ensuring that the administration of justice is free from gender-based discrimination and stereotypes, and to a recognition that both men and women benefit when women are treated equally by the justice sector,

Acknowledging the vital role of professional associations of lawyers in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements and providing legal services to all in need of them,

Recognizing the importance of independent and self-governing bar associations and professional associations of judges and prosecutors, and of non-governmental organizations working in defence of the principle of the independence of judges and lawyers,

Expressing its concern about situations where the entry into or continued practice within the legal profession is controlled or arbitrarily interfered with by the executive branch, with particular regard to abuse of systems for the licensing of lawyers,

Stressing the role that independent and effective national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) can and should play in strengthening the rule of law and in supporting the independence and integrity of the judicial system,

Recognizing that accessible and effective legal aid is an essential element of a fair, humane and efficient system of administration of justice that is based on the rule of law,

Noting the rights and specific needs of women, children and persons belonging to minorities, particularly those in situations of vulnerability who are in contact with justice systems, who may require particular attention, protection and skills from the professionals interacting with them, especially from lawyers, prosecutors and judges,

Acknowledging the importance of a privileged lawyer-client relationship based on the principle of confidentiality,

Reaffirming the Human Rights Council resolutions in which the Council extended the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, and acknowledging the importance of the mandate holder's ability to cooperate closely, within the framework of the mandate, with the Office of the United Nations High Commissioner for Human Rights, including in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

1. *Calls upon* all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind;

2. *Encourages* States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective and by actively promoting the balanced representation of women and men from various segments of society at all levels, and persons belonging to minorities and other disadvantaged groups, and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory, public and transparent, based on objective criteria and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law, based on individual merit and under equal working conditions;

3. *Stresses* that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and age of retirement should be adequately secured by law, that the security of tenure of judges is an essential guarantee of the independence of the judiciary and that grounds for their removal must be explicit, with well-defined circumstances provided by law, involving reasons of incapacity or behaviour that renders them unfit to discharge their functions, and that procedures upon which the discipline, suspension or removal of a judge are based should comply with due process;

4. *Encourages* States to develop, as appropriate, policies, procedures and programmes in the area of restorative justice as part of a comprehensive justice system;

5. *Also encourages* States to consider, in collaboration with relevant national entities, such as bar associations, associations of judges and prosecutors, and educational institutions assisting the judiciary, developing guidance on issues such as gender, children, persons with disabilities, indigenous peoples and migrants, among others, to inform the action of judges, lawyers, prosecutors and other actors in the judicial system;

6. *Emphasizes* that the Basic Principles on the Role of Lawyers provide that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their function;

7. *Emphasizes* that lawyers should be enabled to discharge their functions freely, independently and without any fear of reprisal;

8. *Calls upon* States to ensure that prosecutors can perform their functional activities in an independent, objective and impartial manner;

9. *Condemns* all acts of violence, intimidation or reprisal, from any quarter and for any reason, against judges, prosecutors and lawyers, and reminds States of their duty to uphold the integrity of judges, prosecutors and lawyers and to protect them, and their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and to bring perpetrators to justice;

10. *Expresses its deep concern* about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession, and calls upon States to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable;

11. *Calls upon* States, in collaboration with relevant national entities, such as bar associations, associations of judges and prosecutors, and educational institutions, to provide adequate training, including human rights training, for judges, prosecutors and lawyers, both on initial appointment and periodically throughout their careers, taking into account regional and international human rights law and, where applicable and relevant, the concluding observations and decisions of human rights mechanisms, such as treaty bodies and regional human rights courts;

12. *Encourages* States to take measures to combat discrimination in the administration of justice by, inter alia, providing for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training, to all judges, lawyers and prosecutors;

13. *Underscores* the importance for States of developing and implementing an effective and sustainable legal aid system that is consistent with their international human rights obligations and takes into account relevant commitments and good practices, so that legal aid is available and accessible at all stages of legal proceedings, subject to appropriate eligibility criteria;

14. *Urges* all Governments to cooperate with and to assist the Special Rapporteur on the independence of judges and lawyers in the performance of his or her tasks, to provide all information requested and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

15. *Invites* States to take measures, including by adopting domestic legislation, to provide for independent and self-governing professional associations of lawyers and to recognize the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights;

16. *Calls upon* States to ensure that legal provisions that are or have been adopted in relation to counter-terrorism or national security are consistent with the international obligations of the State concerning the right to a fair trial, the right to liberty, the right to an effective remedy for violations of human rights and other provisions of international law relevant to the role of judges, prosecutors and lawyers;

17. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to the mandate;

18. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their country, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations to enable him or her to fulfil the mandate even more effectively;

19. *Encourages* the Special Rapporteur to facilitate the provision of technical assistance and capacity-building and the dissemination of best practices, including through engagement with relevant stakeholders and in consultation with the Office of the United Nations High Commissioner for Human Rights, when requested by the State concerned, with a view to establishing and strengthening the rule of law, paying particular attention to the administration of justice and the role of an independent and competent judiciary and legal profession;

20. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further to consult and to consider the services of the Special Rapporteur, for instance by inviting him or her to visit their country;

21. *Also encourages* Governments to give due consideration to recommendations made by United Nations human rights mechanisms, and to implement supported recommendations of the universal periodic review process, addressing the independence and effectiveness of the judiciary and their effective implementation, and invites the international community, regional organizations and the United Nations system to support any implementation efforts;

22. *Invites* United Nations agencies, funds and programmes to continue their activities in the areas of the administration of justice and the rule of law, including at the country level at the request of the State, encourages States to reflect such activities in their national capacity-building plans, and emphasizes that institutions concerned with the administration of justice should be properly funded;

23. *Encourages* States to ensure that their legal frameworks, implementing regulations and judicial manuals are fully in line with their international obligations and take into account relevant commitments in the areas of the administration of justice and the rule of law;

24. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

34th meeting
22 June 2017

[Adopted without a vote.]

35/13. Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the Political Declaration and Madrid International Plan of Action on Ageing, 2002, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments, including the Declaration on the Right to Development,

Recalling Human Rights Council resolutions on protection of the family, including its most recent, resolution 32/23, adopted on 1 July 2016,

Recalling also all General Assembly resolutions concerning the proclamation of, preparations for and observance and commemoration of the International Year of the Family and its tenth and twentieth anniversaries,

Recalling further the General Assembly and Human Rights Council resolutions on the issue of the human rights of older persons,

Acknowledging the work of the Independent Expert on the enjoyment of all human rights by older persons,

Recognizing that the objectives of the International Year and its follow-up processes, especially those relating to family policies in the areas of poverty, work-family balance and intergenerational issues, with attention given to the rights and responsibilities of all family members, can contribute to ending poverty, ending hunger, ensuring a healthy life and promoting the well-being of all at all ages, promoting lifelong learning opportunities for all, and ensuring better education outcomes for children, to gender equality and the empowerment of all women and girls, and to the full enjoyment by older persons of all human rights and fundamental freedoms, as part of an integrated and comprehensive approach to development,

Reaffirming that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Affirming that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control,

Recognizing the potential contribution of the family to society, national development and the achievement of major objectives of every society and of the United Nations, and noting with concern that such a contribution continues to be underestimated,

Recalling that the pledge made by all States with the adoption of the 2030 Agenda for Sustainable Development[121] to leave no one behind involves addressing inequality and discrimination, and provides an opportunity to tackle inequities faced, inter alia, by older persons, especially those who are marginalized or in vulnerable situations, and their families,

Recognizing the essential contribution that older persons can continue to make to the functioning of societies and towards the implementation of the 2030 Agenda if adequate guarantees are in place,

Welcoming the holding of the intersessional seminar on the protection of the family and disability,

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[121] General Assembly resolution 70/1.

1. *Reaffirms* that the family is the natural and fundamental group unit of society, and is entitled to protection by society and the State;

2. *Also reaffirms* that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all individuals, including older persons, and stresses the fundamental importance of full respect for human rights and fundamental freedoms of all the members of the family, including older persons;

3. *Stresses* the primary responsibility of States in promoting, providing and ensuring access to basic social services for older persons, bearing in mind their specific needs, and to this end underlines the need to work together with local authorities, civil society, including non-governmental organizations, the private sector, volunteers and voluntary organizations, older persons themselves and associations for and of older persons, as well as families and communities;

4. *Recognizes* the challenges related to the enjoyment of all human rights that older persons face in areas such as prevention of and protection against violence and abuse, social protection, food and nutrition, housing, employment, legal capacity, access to justice, health services, including physical and mental health support, and long-term and palliative care services, and that those challenges require in-depth analysis and action to better address them;

5. *Reiterates* the call for all States to empower older persons to fully and effectively participate in the economic, political and social lives of their societies;

6. *Emphasizes* the importance of protecting and promoting the human rights of older persons, and urges States to integrate the promotion of and respect for the human rights of older persons into their respective national development frameworks, taking into account those marginalized and in the most vulnerable situations, to ensure that no one is left behind and that those furthest behind are reached first;

7. *Reaffirms* the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[122] an integral part of the 2030 Agenda for Sustainable Development, in which it is recognized that investing in older persons is critical to achieving inclusive, equitable and sustainable development for present and future generations, and the vital importance of promoting and protecting the rights of all and ensuring that no one is left behind;

8. *Recognizes* the positive impact that policies and measures to support families and protect them from poverty, exclusion, violence and involuntary separation can have on protecting and promoting the human rights of their members, including those of older persons, and on achieving equality between women and men and girls and boys, empowering women and girls, and enhancing protection against violence, abuses, sexual exploitation, the worst forms of child labour, and harmful practices, while bearing in mind that violations and abuses of the human rights and fundamental freedoms of family members adversely affect families and have a negative impact on efforts aimed at protecting the family;

9. *Also recognizes* that neglect, abuse and violence against older persons takes many forms — physical, psychological, emotional, financial — and occurs in every social, economic, ethnic and geographic sphere, including within the family, and calls upon States to, inter alia, enact legislation and strengthen legal efforts to eliminate elder abuse; and educate and sensitize professionals and the general public on violence and abuse of older persons, its various characteristics and causes, and protection of and respect for their human rights and needs;

10. *Further recognizes* that older women face a greater risk of physical and psychological abuse due to discriminatory societal attitudes and the non-realization of their human rights, and that some harmful traditional and customary practices result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection;

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[122] General Assembly resolution 69/313, annex.

11. *Stresses* that equality between women and men, and equal participation of women in employment, public life and decision-making, as well as shared parental and household responsibilities, are essential elements of family policies;

12. *Recognizes* that the family, while respect for the rights of its members is ensured, is a strong force for social cohesion and integration, intergenerational solidarity and social development, and that the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society;

13. *Conscious* that families are sensitive to strain caused by social and economic changes, expresses deep concern that conditions have worsened for many families owing to consequences of economic and financial crises, lack of job security, temporary employment and lack of regular income;

14. *Recognizes* that the family unit is facing increasing vulnerabilities and pressures, and notes that, inter alia, single parent-headed households, child-headed households, families with members with disabilities and intergenerational households might be particularly vulnerable to poverty and social exclusion, and resolves to pay particular attention to them, while bearing in mind that a considerable proportion of households worldwide are headed by women and many other households are dependent on female income, and that female-maintained households are very often among the poorest because of wage discrimination;

15. *Remains convinced* that older persons, including those with disabilities, and their family members should receive the protection and assistance necessary to achieve the full and equal enjoyment of human rights by every person;

16. *Highlights* the role of families in supporting their members, including older persons, and recognizes their potential in contributing to the protection and promotion of older persons among their members;

17. *Stresses* that families remain the first and most immediate environment where older persons can develop their potential and enjoy a fulfilling life, and that the realization of the human rights of older persons can be deeply affected by the quality of life and the support and assistance provided to them, including through access to a range of support services that are responsive to individual choices, wishes and needs;

18. *Affirms* that older persons have equal rights with respect to family life, and that States should realize these rights and prevent the concealment, abandonment, neglect and segregation of older persons and undertake to provide early and comprehensive information, services and support to older persons and their families;

19. *Emphasizes* that consultation with older persons is essential in the formulation and adoption of legislation and policies relating to their specific needs and concerns;

20. *Encourages* States to increase efforts to raise awareness of the Madrid International Plan of Action on Ageing, 2002, including by promoting and supporting initiatives to advance a positive public image of older persons and their multiple contributions to their families, communities and societies and by working with the respective international, regional and national bodies and mechanisms, as appropriate;

21. *Also encourages* States to continue their efforts to implement the Madrid Plan of Action and to mainstream the concerns of older persons into their policy agendas, bearing in mind the crucial importance of intergenerational family interdependence, solidarity and reciprocity for social development and the realization of all human rights of older persons, and to prevent discrimination against older persons and provide social integration;

22. *Recognizes* the importance of strengthening intergenerational partnerships and solidarity, and in this regard calls upon Member States to promote opportunities for voluntary, constructive and regular interaction between generations in the family, the workplace and society at large;

23. *Encourages* States and non-governmental bodies to establish social and care services to support the whole family and individual carers when there are older people at home and to implement such measures, especially for low-income families, to be able to care for the older people at home;

24. *Recognizes* the potential of older persons as leaders in the family and community for education, communication and conflict resolution;

25. *Stresses* the need for States to adopt immediate, effective and appropriate measures aimed at raising awareness throughout society, including at the family level, regarding older persons, with a view to fostering respect for their rights and dignity;

26. *Urges* States, in accordance with their respective obligations under international human rights law, to provide the family, as the natural and fundamental group unit of society, with effective protection, support and assistance, and encourages States in this regard to take, as appropriate, relevant effective measures to the maximum of their available resources;

27. *Recognizes* the important role of civil society, including organizations of older persons and their families, national human rights institutions, research institutes and academia, in advocacy, promotion, research and policymaking and, as appropriate, the evaluation of family policy development and capacity-building;

28. *Also recognizes* that the family unit plays a key role in social development, and as such should be strengthened and attention paid to the rights, capabilities and responsibilities of its members, and invites States, the organizations of the United Nations system and all other relevant stakeholders to take into account the role of the family as a contributor to sustainable development and the need to strengthen family policy development in their ongoing efforts to achieve the internationally agreed development goals, including the 2030 Agenda;

29. *Invites* the United Nations High Commissioner for Human Rights, the treaty bodies, relevant special procedure mandate holders and other relevant international and regional human rights mechanisms, within their respective mandates and competence, to pay due attention in their work to the implementation by States of their obligations under relevant provisions of international human rights law to provide protection and support to the family as the natural and fundamental unit of society;

30. *Decides* to convene, with the support of the High Commissioner, before the thirty-eighth session of the Human Rights Council, a one-day intersessional seminar on the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family on the role of the family in supporting the protection and promotion of the human rights of older persons, and to discuss challenges and best practices in this regard, with the participation of Member States and other relevant stakeholders, including national human rights institutions, academic experts and civil society organizations;

31. *Requests* the High Commissioner to present a report on the seminar, in the form of a summary, to the Human Rights Council at its thirty-ninth session;

32. *Decides* to remain seized of the matter.

35th meeting
22 June 2017

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Germany, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Brazil, Georgia, Hungary, Panama, Republic of Korea]

35/14. Youth and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolution 32/1 of 30 June 2016 on youth and human rights,

Recalling further all previous relevant resolutions, including the most recent, namely, General Assembly resolution 70/127 of 17 December 2015 on policies and programmes involving youth, and Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond,

Recalling the Vienna Declaration and Programme of Action, in which it is stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[123] and reaffirming the need to develop and implement strategies that give young people everywhere real opportunities to enable their full, effective and meaningful participation in society,

Welcoming also the high-level event held by the General Assembly on 29 May 2015 to mark the twentieth anniversary of the World Programme of Action for Youth, which offered an important opportunity for Member States and other relevant stakeholders to take stock of progress made in its implementation, as well as to identify gaps and challenges and the way forward for its full, effective and accelerated implementation,

Taking note of the summary on the expert meeting organized by the Office of the United Nations High Commissioner for Human Rights in July 2013, in which it was recognized that young people experience difficulties in the exercise of their rights by virtue of being young and that there are gaps in the protection and fulfilment of the human rights of youth,

Welcoming the convening at the thirty-third session of the Human Rights Council of the panel discussion on youth and human rights, at which challenges were identified for the empowerment of young people in the exercise of their rights,

Noting the Forum on Human Rights, Democracy and the Rule of Law convened by the Human Rights Council on 21 and 22 November 2016, with the theme "Widening the democratic space: the role of youth in public decision-making",

Encouraging contributions by the United Nations High Commissioner for Human Rights, the special procedures and the treaty bodies, as well as the Envoy of the Secretary-General on Youth and other relevant international and regional human rights mechanisms in identifying and addressing obstacles to the enjoyment of all human rights by youth,

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[123] General Assembly resolution 70/1.

Underlining the important role that youth can play in the promotion of peace, sustainable development and human rights, and the importance of the active and wide participation of youth in decision-making,

Conscious that today's generation of youth is the largest that the world has ever witnessed, and therefore encouraging States to exert further efforts to ensure the respect, protection and fulfilment of all human rights for young people, including all economic, social, cultural, civil and political rights, given that lack of participation and opportunity has adverse consequences for communities and societies,

Concerned that young people face specific challenges that require integrated responses by States, the United Nations system and other stakeholders,

1. *Takes note with appreciation* of the summary report of the panel discussion on youth and human rights prepared by the United Nations High Commissioner for Human Rights,[124] which summarizes the growing challenges that disproportionately affect the current generation of young people, and nonetheless draws attention to the crucial role that young people play in realizing human rights, peace and sustainable development;

2. *Calls upon* all States to promote and ensure the full realization of all human rights and fundamental freedoms for youth, including, where appropriate, by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to barriers to social integration and adequate participation, bearing in mind that the full enjoyment of human rights and fundamental freedoms by young people empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their countries;

3. *Encourages* all States to conduct their coherent youth-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners in the interest of developing effective and comprehensive policies, as well in the development of their national action plans to implement the 2030 Agenda for Sustainable Development;

4. *Urges* Member States to consider addressing, through the universal periodic review and the treaty bodies, issues pertaining to the full and equal enjoyment of all human rights for youth, and to share the best practices that they have developed in dealing with the realization of human rights for young people;

5. *Requests* the High Commissioner, in consultation with and taking into account the views of States and relevant stakeholders, including relevant United Nations agencies, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, civil society and representatives of youth organizations, to conduct a detailed study on the implementation of human rights with regard to young people, the identification of cases of discrimination against young people in the exercise of their human rights, and best practices in the full and effective enjoyment of human rights by young people, highlighting the contribution of empowered youth to the realization of human rights in society, to be submitted to the Council prior to its thirty-ninth session;

6. *Decides* to remain seized of the matter.

35th meeting
22 June 2017

[Adopted without a vote.]

35/15. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

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[124] A/HRC/35/7.

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011 and 26/12 of 26 June 2014 and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014 and 71/198 of 19 December 2016,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes with appreciation the thematic reports presented to the

Human Rights Council during the mandate on the use of information and communications technologies to secure the right to life,[125] on the right to life and the use of force by private security providers in law enforcement contexts[126] and on a gender-sensitive approach to arbitrary killings,[127] and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out the mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*b*) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*c*) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(*d*) To enhance further his or her dialogue with Governments, and to follow up on recommendations made in reports after visits to particular countries;

(*e*) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, and the Second Optional Protocol thereto;

(*f*) To apply a gender perspective in his or her work;

8. *Urges* States:

(*a*) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(*b*) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(*c*) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

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[125] A/HRC/29/37.

[126] A/HRC/32/39.

[127] A/HRC/35/23.

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

35th meeting
22 June 2017

[Adopted without a vote.]

35/16. Child, early and forced marriage in humanitarian settings

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions 24/23 of 27 September 2013 and 29/8 of 2 July 2015, and recalling General Assembly resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016,

Acknowledging that international humanitarian law and international human rights law are complimentary and mutually reinforcing,

Reaffirming the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Reaffirming also relevant resolutions and agreed conclusions of the Commission on the Status of Women, and recalling the relevant commitments made by States in the framework of the World Humanitarian Summit, as well as relevant general comments of the human rights treaty bodies relating to child, early and forced marriage,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[128] and noting the integrated nature of the 2030 Agenda and the range of goals and targets relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3,

Welcoming also the adoption of General Assembly resolution 71/1 of 19 September 2016 on the New York Declaration for Refugees and Migrants,

Noting the work of the World Health Organization High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on the expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage,[129] and taking note with appreciation of the report of the Secretary-General on child, early and forced marriage,[130]

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[128] General Assembly resolution 70/1.

[129] A/HRC/35/5.

[130] A/71/253.

Noting with appreciation the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, as well as regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage and the Regional Action Plan to End Child Marriage in South Asia, and ongoing United Nations activities and programmes on child, early and forced marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices, including female genital mutilation, and human rights violations, and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate child, early and forced marriage,

Deeply concerned by the impact of deep-rooted gender inequalities, norms and stereotypes and of harmful practices, perceptions and customs that are among the primary causes of child, early and forced marriage, and deeply concerned also that poverty and lack of education are also among the drivers of this harmful practice, and that it remains common in rural areas and among the poorest communities,

Recognizing that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives, and remains an impediment not only to the economic, legal, health and social status of women and girls but also to the development of society as a whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty, and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

Noting with concern that child, early and forced marriage disproportionally affects girls who have received little or no formal education, and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth and/or childcare responsibilities, and recognizing that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

Strongly condemning attacks on and abductions of all girls, deploring all attacks, including terrorist attacks, on educational institutions, their students and staff, and urging States to protect them from attacks,

Recognizing that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health of women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence,

Recognizing also that, in humanitarian settings, which include humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, pre-existing human rights issues are further exacerbated and that new violations and abuses arise in consequence of the crisis,

Noting with concern that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, breakdown of the rule of law and State authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside marriage, absence of family planning services, disruptions in social networks and routines, increased poverty and the absence of livelihood opportunities,

Recognizing that ending child, early and forced marriage requires increased attention, gender and age-sensitive approaches, appropriate protection, prevention and response measures and coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing also the importance of addressing the increased vulnerability of women and girls to sexual and gender-based violence and sexual exploitation and abuse in those situations,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Calls upon* States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups, humanitarian actors, men and boys, and youth organizations, to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies, and the sharing of best practices across borders, in full compliance with international human rights obligations and commitments;

3. *Urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Also urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. *Further urges* States to promote, respect and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

6. *Calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive

health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

7. *Also calls upon* States, with the support of humanitarian partners, health-care providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonizing such interventions into efforts focused on conflict-prevention, the protection of civilians and access to information and services;

8. *Invites* all stakeholders to promote the use of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action;

9. *Encourages* States to promote open dialogue with all parties concerned, including religious and community leaders, women, girls, men and boys, parents, legal guardians, and other family members, as well as humanitarian and development actors in order to address the concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large;

10. *Calls upon* States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially girls, on all issues affecting them, and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

11. *Also calls upon* States to promote, respect and protect the rights of women and girls to education through enhanced emphasis on quality education, and to ensure universal access to sexual and reproductive health-care services, information and education, as set out in target 3.7 of the 2030 Agenda, and to promote school enrolment and retention among girls, including in secondary school, and by allowing access to education services for children who have been forced to flee their homes, schools and communities, and to ensure that schools offer them safe and supportive environments;

12. *Urges* States to provide specialized child protection services to refugee and displaced children that take into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage;

13. *Also urges* States, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, sanitation, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as critical components of humanitarian response, and to ensure that civil registration and vital statistics are an integral part of humanitarian assessments and that livelihoods are protected, recognizing that poverty and lack of economic opportunities for women and girls are among the drivers of child, early and forced marriage;

14. *Further urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by

improving legal infrastructure and removing all barriers in access to legal counselling, assistance and remedies;

15. *Invites* States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the universal periodic review, any best practices and implementation efforts, as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings;

16. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States in developing and implementing strategies and policies at the national, regional and international levels to effectively develop measures to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings;

17. *Encourages* relevant existing mechanisms of the Human Rights Council to give due consideration to the issue of child, early and forced marriage, including in humanitarian settings, during the exercise of their mandates;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to create a web portal to bring together and collate information relating to child, early and forced marriage, including in humanitarian settings;

19. *Requests* the United Nations High Commissioner for Human Rights to provide a written report, with input from all relevant stakeholders, on child, early and forced marriage with a focus on humanitarian settings to the Human Rights Council at its forty-first session, and to provide an oral update thereon to the Council at its thirty-eighth session;

20. *Decides* to continue its consideration of the issue of strengthening efforts to prevent and eliminate child, early and forced marriage.

35th meeting
22 June 2017

[Adopted without a vote.]

35/17. Protection of the human rights of migrants: the global compact for safe, orderly and regular migration

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting, protecting and respecting the human rights of all persons, including all migrants, regardless of their migration status, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting, protecting and respecting the human rights of all migrants, and urging all countries to avoid approaches that might aggravate their vulnerable situation,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Underscoring that all migrants, regardless of their migration status, are human rights holders, and reaffirming the need to protect their safety, dignity and human rights and fundamental freedoms,

Reaffirming the New York Declaration for Refugees and Migrants and the annexes thereto, adopted by the General Assembly in its resolution 71/1 of 19 September 2016, and calling for the fulfilment of the commitments of Member States reflected therein,

Stressing the need to mainstream human rights throughout the global compact for safe, orderly and regular migration and, in this regard, welcoming the informal thematic session on the human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance, held in Geneva in May 2017, and taking note of the other informal thematic sessions, regional and subregional consultations and multi-stakeholder hearings,

Taking note of General Assembly resolution 71/280 of 6 April 2017 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration,

Noting with appreciation the enhanced interactive dialogue on the human rights of migrants in the context of large movements, held by the Human Rights Council at its thirty-fourth session,

Taking note with appreciation of the report on the promotion and protection of the human rights of migrants in the context of large movements,[131] submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-third session,

Taking note with appreciation also of the reports of the Special Rapporteur on the human rights of migrants on global migration, including the report on the human rights of migrants on a 2035 agenda for facilitating human mobility,[132] and taking note of the conclusions of the report of the Special Rapporteur submitted to the General Assembly,[133]

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[131] A/HRC/32/67.

Taking note with appreciation further of the report of the Special Representative of the Secretary-General on Migration,[134]

Noting with appreciation the work performed by the Global Migration Group and, in particular, its Working Group on Migration, Human Rights and Gender, on principles and practical guidance on the protection of the human rights of migrants in vulnerable situations,

Noting the ninth summit meeting of the Global Forum on Migration and Development, held in Dhaka in December 2016, which emphasized, inter alia, the importance of improving the governance of migration which encourages the formulation of a comprehensive framework that covers all the relevant dimensions of migration, the promotion of migration and development, and addressing irregular migration, and welcoming the convening of the tenth summit meeting, in Berlin, from 28 to 30 June 2017,

Bearing in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon, and acknowledging that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors, human rights violations and abuses, and armed conflict, terrorism, absence of peace and security, conflict prevention and resolution are among the drivers of migration,

Deeply concerned about the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants,

Expressing serious concern about the special needs of and risks faced by migrants in vulnerable situations, including women at risk, children, especially unaccompanied migrant children or children separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking and victims of exploitation and abuse in the context of the smuggling of migrants, and recognizing the need to address vulnerable situations and the disproportionate risks migrants may face, particularly with regard to discrimination and exploitation, as well as sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery, racism, xenophobia, discrimination and intolerance towards all migrants,

Expressing serious concern also about the particular vulnerable situations and risks faced by migrants, which can arise from the reasons for leaving country of origin, circumstances encountered by migrants en route, at borders and at destination, specific aspects of a person's identity or circumstance or a combination of these factors,

Recalling that each State has a sovereign right to determine whom to admit to its territory, subject to that State's international obligations, and recalling also that States must readmit their returning nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation,

Expressing concern at the increasing trend of xenophobia and hostility towards migrants in societies and the criminalization of irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Recognizing the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations, and highlighting the principles and practical guidance on the human rights protection of migrants in vulnerable situations developed by the Global Migration Group as a contribution to further work in this regard,

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[132] A/HRC/35/25.

[133] A/71/285.

[134] A/71/728.

Recognizing also that any type of return, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and in compliance with the principle of non-refoulement and should be in keeping with the best interest of children and due process,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the contribution of civil society, including non-governmental organizations, to promoting the well-being of migrants and their integration into societies, especially at times of extremely vulnerable conditions, and encouraging deeper interaction between Governments and civil society to find responses to the challenges and the opportunities posed by international migration,

Recognizing also the cultural and economic contributions made by all migrants, regardless of their migration status, to receiving societies and their communities of origin, and the need to identify appropriate means of maximizing development benefits and responding to the complex challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[135] which recognizes the positive contribution of migrants for inclusive growth and sustainable development, and that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses involving full respect for human rights and the humane treatment of migrants, regardless of their migration status, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

1. *Reaffirms* the need to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children, persons with disabilities and those who are discriminated against on any basis, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migration status, particularly in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

3. *Underlines* the importance of a comprehensive approach to the global compact for safe, orderly and regular migration, ensuring a people-centered, sensitive, humane, dignified, gender-responsive and prompt reception for all persons arriving in receiving countries, particularly those in large movements, and ensuring full respect and protection for their human rights and fundamental freedoms;

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[135] General Assembly resolution 70/1.

4. *Calls upon* all States to promote the mainstreaming of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migration status, and the specific needs of migrants in vulnerable situations, including the identification and protection of victims of human trafficking, in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

5. *Takes note with appreciation* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation, including by considering incorporating them into any practical actions agreed in the global compact for safe, orderly and regular migration;

6. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

7. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

8. *Reaffirms* the duty of States to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, including those of women and children at risk, especially unaccompanied migrant children or children separated from their families, persons with disabilities and those who are discriminated against on any basis, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

9. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants;

10. *Reaffirms* that, while States have the sovereign right to enact and implement migration and border security measures, they have a duty to comply with their obligations under relevant international law, including international human rights law and refugee law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

11. *Invites* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by considering reviewing migration policies with a view to examining their possible unintended negative consequences;

12. *Calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their migration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

13. *Also calls upon* all States to adopt a comprehensive and integral approach to migration policies, to facilitate safe, orderly, regular and responsible migration and mobility of people, to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents, and to address efficiently its challenges in accordance with international human rights standards;

14. *Calls upon* States to give due consideration to the proposal of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human

mobility[132] when participating in the preparatory process and during the negotiation of the global compact for safe, orderly and regular migration;

15. *Encourages* the Office of the High Commissioner to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

16. *Encourages* non-governmental organizations, civil society organizations, national human rights institutions and other relevant stakeholders to participate in the informal thematic sessions and informal interactive multi-stakeholder hearings requested by the General Assembly, as part of the preparatory process for the intergovernmental conference, in accordance with Assembly resolution 71/280 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration;

17. *Encourages* special procedure mandate holders and treaty bodies, in accordance with their respective mandates and in coordination with the United Nations system as a whole, to provide input and to support the State-led preparatory process for the global compact and the intergovernmental conference in accordance with General Assembly resolution 71/280;

18. *Requests* the United Nations High Commissioner for Human Rights:

(*a*) To participate in, as appropriate, and contribute to the preparatory process of the global compact for safe, orderly and regular migration with a view to providing human rights-based input and mainstreaming human rights throughout the global compact;

(*b*) To submit, as co-Chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-seventh session;

(*c*) To submit to the Human Rights Council before its thirty-sixth session a report on the compendium of principles, good practices and policies on safe, orderly and regular migration in accordance with international human rights law, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-second session;

(*d*) To submit, through the appropriate means, all relevant inputs from the Human Rights Council and its bodies and mechanisms for consideration in the preparation of the global compact for safe, orderly and regular migration, in accordance with General Assembly resolution 71/280;

19. *Invites* all States to take into account, during their participation in the preparatory process, including the negotiation leading to the adoption of the global compact for safe, orderly and regular migration, the inputs produced by the Human Rights Council and its bodies and mechanisms;

20. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

21. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur on the human rights of migrants;

22. *Decides* to remain seized of the matter.

36th meeting
22 June 2017

[Adopted without a vote.]

35/18. Elimination of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies, that consider the issue of discrimination against women,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the 2030 Agenda for Sustainable Development,[136] and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[137]

Deeply concerned that no country in the world has yet fully eliminated gender-based discrimination[138] and at the fact that many women and girls everywhere, particularly those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing profound concern about the backlash against the progress made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to fulfil women's human rights,

Recognizing the need for States to accelerate the implementation of strategies that respect, protect and fulfil women's right to the enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting good practices, and affirming that realizing their human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of public, political, economic, cultural, social and family life, on an equal footing with men and boys,

Underscoring that international human rights treaties prohibit discrimination on, inter alia, the basis of gender, and that national legislation should adhere to each State's international obligations,

Recognizing that legal provisions related to gender equality create the framework from which women's rights can most comprehensively be promoted, protected and fulfilled, and constitute an essential mechanism for women's and girls' full and equal enjoyment of all human rights, and recognizing also that laws alone are insufficient to eliminate discrimination against women and girls and must be accompanied by supportive and sustainable environments in all sectors of society in which they can be meaningfully implemented,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices have direct negative implications for the status and treatment of women and girls, and that gender-biased environments impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

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[136] General Assembly resolution 70/1.

[137] General Assembly resolution 69/313, annex.

[138] See World Health Organization, "Leading the realization of human rights to health and through health: report of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents".

Fully recognizing that the participation of women in public affairs, leadership and decision-making positions is key for advancing women's rights and empowerment and has enabled the development of support and skills to address a democratic deficit due to the history of women's exclusion from public life, including the implementation of all measures to remove all barriers preventing women from being elected,

Emphasizing the significant role that women play in economic development and in the eradication of poverty, while acknowledging that structural barriers to gender equality and gender-based discrimination persist in labour markets worldwide, and stressing the need to promote equal pay for equal work or work of equal value as a critical measure to eliminate the gender pay gap, recognizing women's full and equal access to economic resources, including the equal right to inheritance and ownership of land and other property, to promote decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and sharing of work and family responsibilities for both women and men,

Recognizing that progress has been made in increasing access to education for both boys and girls, in reducing the gender gap in youth literacy, in expanding universal primary education, in particular in developing countries, and in reducing the number of out-of-school children of primary school age worldwide,

Fully recognizing that ending discrimination against women and girls is critical to ensure peace, security, sustainable development and respect for human rights, that everyone benefits from the achievement of gender equality and that the negative impact of gender inequality and discrimination, including violence against women and girls, is borne by society as a whole, and therefore emphasizing that men and boys, by taking responsibility themselves as agents and beneficiaries of change and by working alongside women and girls, are essential in the achievement of gender equality, the empowerment of women and girls and to efforts to prevent and eliminate all forms of discrimination and violence,

Reaffirming that the human rights of women include a woman's right to have control over and to decide freely and responsibly on matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the dignity, integrity and autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to the development of good practices that place the interests, needs and visions of women and girls on local, national, regional and international agendas, including the 2030 Agenda, and recognizing the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures on the empowerment of women and girls,

Recognizing also that the identification and the sharing of good practices in the eradication of discrimination against women in law and in practice illustrate the ways and means to implement human rights most effectively in diverse contexts; however, they comprise a complex, multifaceted endeavour involving a wide range of interrelated rights and cannot be considered in isolation from the breadth of actions and actors involved in processes of social change,

Taking note of the Secretary-General's High-level Panel on Women's Economic Empowerment, which stressed that addressing adverse norms and all forms of discrimination, ensuring legal protections and repealing discriminatory laws and regulations, including those related to families, is critical to achieving women's economic empowerment,

1. *Calls upon* States to consider ratifying or acceding to, as a matter of particular priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, to limit the extent of any reservations and to formulate them as precisely and as narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, to implement its provisions through appropriate legislation and policies, as applicable, and to take into due account recommendations made by the Committee on the Elimination of Discrimination against Women, the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on violence against women, its causes and consequences, other States during the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of women's human rights;

2. *Takes note* of the report of the Working Group,[139] and calls upon States to take steps to promote reforms and implement legal frameworks and policies directed to achieving gender equality and the elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified in the four thematic reports of the Working Group;[140]

3. *Calls upon* States:

(*a*) To repeal all laws that exclusively or disproportionately criminalize actions or behaviours of women and girls, and laws that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious consideration contrary to the obligation to eliminate discrimination against women and girls;

(*b*) To take measures to ensure that international obligations on gender equality and non-discrimination are incorporated at all levels of the legal framework;

(*c*) To consider reviewing all proposed and existing legislation on the basis of respective international obligations, with a gender-responsive perspective, involving, when necessary, independent experts, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(*d*) To promote laws and programmes that facilitate good practices relating to women's and girls' empowerment and to the elimination of discrimination against them by conducting systematic, comprehensive and regular gender analysis of the law and programmes and its potential impact;

4. *Urges* States to take all appropriate measures to modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

5. *Calls upon* States to take steps:

(*a*) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in leadership and political and other decision-making positions;

(*b*) To take temporary special measures to support women's participation in and election to government at all levels;

(*c*) To ensure gender-responsive mainstreaming of policymaking processes, including public financial management;

(*d*) To provide training on a rights-based gender analysis for duty holders in all spheres and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

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[139] A/HRC/35/29.

[140] A/HRC/23/50, A/HRC/26/39, A/HRC/29/40 and A/HRC/32/44.

6. *Urges* States to guarantee women's equal enjoyment of civil, political, economic, social and cultural rights, to take all appropriate steps to eliminate discrimination by any actors, State or non-State, by ensuring equal opportunity through temporary positive measures, where appropriate, including accommodation for gender-specific needs and equal enjoyment of benefits, by recognizing, reducing and redistributing women's disproportionate share of unpaid care and domestic work and by taking steps to facilitate the transition of informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

7. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

8. *Calls upon* States:

(*a*) To ensure the equal enjoyment of girls and boys to quality education at all levels and the elimination of discriminatory laws and practices, school-related gender-based violence and gender stereotypes that prevent girls from having access to, completing and continuing their education, and to provide incentive mechanisms to this end;

(*b*) To develop and implement programmes that specifically aim to prevent and eliminate gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances;

(*c*) To consider adopting good practices to support substantive equality within families through long-term awareness-raising initiatives, especially education and public awareness, including through the media and online, and the incorporation of curricula on women's rights into teacher training courses, including evidence-based, comprehensive sexuality education and gender-based violence prevention;

9. *Also calls upon* States to implement policies to engage, educate, encourage and support men and boys:

(*a*) To take an active part and become strategic partners and allies, alongside women and girls, in the prevention and elimination of all forms of discrimination and violence against women and girls;

(*b*) To be agents and positive role models for addressing discrimination and gender inequality and to promote respectful relationships and equal sharing of work and family responsibilities;

(*c*) To refrain from and condemn all forms of discrimination and violence against women and girls;

(*d*) To increase their understanding of the harmful effects of discrimination and violence on the victim/survivor;

(*e*) To take responsibility and be held accountable for their behaviour, including sexual and reproductive behaviour, and behaviour that perpetuates and normalizes patriarchal attitudes and gender stereotypes that underlie discrimination and violence against women and girls;

10. *Further calls upon* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination against women and girls, taking into account

the multiple, intersecting and aggravating forms of discrimination, including by informing women and girls about their rights under relevant laws, training law enforcement officers and monitoring how they address discrimination and gender inequality, improving the legal system and taking steps to remove all barriers to access to legal counselling, assistance and remedies;

11. *Calls upon* States to progressively realize the full enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and to eliminate legal, administrative, financial and social barriers that hinder universal access to available, accessible, acceptable, timely, affordable and quality health services for women and girls through gender-responsive national strategies and public-health policies and programmes that are comprehensive, affordable and better targeted to addressing their needs;

12. *Urges* States to ensure the promotion, protection and the fulfilment of all human rights and the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences and of sexual and reproductive health and reproductive rights in this context, and to promote, protect and fulfil the right of all women to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to decide autonomously in matters regarding their own lives and health, including their bodies, and to ensure universal access to sexual and reproductive health, services, information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion where not against national law and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national strategies and programmes;

13. *Also urges* States to create and support an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all relevant legislation and policies relevant to the human rights of women, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[141] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

14. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, income and other characteristics relevant in national contexts;

15. *Also calls upon* all States to cooperate with and assist the Working Group on the issue of discrimination against women in law and in practice in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

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[141] A/HRC/32/20.

16. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

17. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

36th meeting
22 June 2017

[Adopted without a vote.]

35/19. Extreme poverty and human rights

The Human Rights Council,

Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of a world in which all human beings can enjoy freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolutions 69/183 of 18 December 2014 and 71/186 of 19 December 2016, and by the Commission on Human Rights, as well as Human Rights Council resolutions, including Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009, 15/19 of 30 September 2010, 17/13 of 17 June 2011, 21/11 of 27 September 2012 and 26/3 of 26 June 2014, and noting the Declaration on the Right to Development,

Recalling further that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017) in order to support, in an efficient and coordinated manner, the internationally agreed development goals relating to poverty eradication, including the Millennium Development Goals,

Recalling that, in its resolution 67/164 of 20 December 2012, the General Assembly took note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11, as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,

Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the summit on the Millennium Development Goals, held in New York from 20 to 22 September 2010,

Recalling that, in its resolution 70/1 of 25 September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development and resolved to end poverty in all its forms and dimensions by 2030, recognizing that eradicating poverty is the greatest global challenge and an indispensable requirement for sustainable development, *Deeply concerned* that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual eradication must remain a high priority for the international community, and that the efforts towards the achievement of this goal should be strengthened,

Stressing that respect for all human rights — civil, political, economic, social and cultural rights — which are universal, indivisible and interdependent and interrelated, is of crucial importance for all policies and programmes to effectively fight extreme poverty at the local and national levels,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on extreme poverty and human rights, including his thematic reports and country visits;

2. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on extreme poverty and human rights, as set out in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to extreme poverty and human rights, to pursue further work in this area in full cooperation with the Special Rapporteur on the various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programmes of work;

5. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by the mandate holder, and to respond favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate effectively;

6. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

7. *Decides* to continue its consideration of the issue of extreme poverty and human rights in accordance with its programme of work.

36th meeting
22 June 2017

[Adopted without a vote.]

35/20. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action, *Welcoming* the adoption of the 2030 Agenda for Sustainable Development,[142] including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impact,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[143]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention,[144] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2, of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016-2020 workplan, to take into consideration cross-cutting issues, such as gender-responsiveness, human rights and indigenous peoples' knowledge,[145]

Noting also the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and traditional knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of human rights enshrined in the Universal Declaration of Human Rights,

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[142] General Assembly resolution 70/1.

[143] FCCC/CP/2010/7/Add.1, decision 1/CP.16.

[144] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

[145] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that children, particularly migrant children and children displaced across international borders in the context of the adverse impact of climate change, are among the groups most vulnerable to the adverse impact of climate change, which may seriously affect their enjoyment of the highest attainable standard of physical and mental health, access to education, adequate food, adequate housing, safe drinking water and sanitation,

Expressing concern that countries lacking the resources for implementing their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Welcoming the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, which acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Welcoming the entry into force of the Paris Agreement, and urging parties that have not already done so to ratify the Paris Agreement and the Doha amendment to the Kyoto Protocol,

Welcoming also the establishment of the Task Force on Displacement by the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts established under the United Nations Framework Convention on Climate Change,

Welcoming further the holding of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be organized by Fiji in Bonn, Germany, in November 2017,

Affirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Taking note of General Assembly resolution 71/1 of 19 September 2016, in which the Assembly adopted the New York Declaration for Refugees and Migrants and the annexes thereto, and Assembly resolution 71/280 of 6 April 2017, in which it adopted the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration,

Recognizing the particular vulnerabilities of migrants and other non-nationals who may face challenges associated with implementing appropriate responses in extreme weather conditions owing to their status and who may have limited access to information and services, resulting in barriers to the full enjoyment of their human rights,

Welcoming the convening at the thirty-fourth session of the Human Rights Council of the panel discussion on the adverse impact of climate change on States' efforts to realize the rights of the child and related policies, lessons learned and good practices, and taking note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[146]

Taking note of the analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child prepared by the Office of the High Commissioner pursuant to Human Rights Council resolution 32/33 of 1 July 2016,[147]

Emphasizing that climate change affects some children more than other children, including children with disabilities, children on the move, children living in poverty, children separated from their families and indigenous children,

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and/or respect, as would be appropriate, the rights and best interests of children, when taking action to address the adverse effects of climate change,

Calling upon States to integrate, as appropriate, human rights in their climate actions at all levels, including their national action plans for climate change adaptation and mitigation,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[148]

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the highest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Noting the establishment and the work of the Climate Vulnerable Forum, and its communiqué, in which it asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting also the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting further the establishment and work of regional and subregional initiatives on climate change,

Noting the work of the State-led Platform on Disaster Displacement and its efforts to follow up on the Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, endorsed by more than 100 States on 13 October 2015, and the Migrants in Countries in Crisis Initiative and its voluntary Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster,

Noting also the work being undertaken in the context of the adverse impact of climate change by international organizations and relevant United Nations agencies and bodies, including the Migration, Environment and Climate Change Division in the International Organization for Migration and Climate Change and Disaster Displacement Unit in the Office of the United Nations High Commissioner on Refugees,

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[146] A/HRC/35/14.

[147] A/HRC/35/13.

[148] A/HRC/31/52.

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change impact for all, particularly in developing countries and the people whose situation is most vulnerable to climate change, including migrants and persons displaced across international borders in the context of the adverse impact of climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive and integrated approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and challenges that climate change represents, for the full and effective enjoyment of human rights for all;

5. *Encourages* the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations agencies with appropriate expertise to provide technical assistance to States, upon their request, to help to better promote and protect human rights when taking action to address the adverse impact of climate change;

6. *Calls upon* States to continue and enhance international cooperation and assistance for adaptation measures to help developing countries, especially those that are particularly vulnerable to the adverse effects of climate change as well as persons in vulnerable situations, including migrants and persons displaced across international borders in the context of the adverse impact of climate change;

7. *Notes* the urgency of protecting and promoting human rights of migrants and persons displaced across international borders, in the context of the adverse impact of climate change, including those from small island developing States and least developed countries;

8. *Also notes* that paragraph 13 of annex II to the New York Declaration for Refugees and Migrants envisages contributions to the process for the global compact on safe, orderly and regular migration from, among other international agencies, the Office of the High Commissioner;

9. *Recognizes* that climate change-related human mobility and human rights are cross-cutting in nature;

10. *Decides* to incorporate into the programme of work of the Human Rights Council, on the basis of the different elements contained in the present resolution, an intersessional panel discussion, and requests the Office of the United Nations High Commissioner for Human Rights to organize an intersessional panel discussion prior to the commencement of phase II of the intergovernmental process leading to the global compact on safe, orderly and regular migration, with the theme "Human rights, climate change, migrants and persons displaced across international borders", focusing on challenges and opportunities in the promotion, protection and fulfilment of human rights of migrants and persons displaced across international borders in the context of the adverse impact of climate change, and invites the participation of States, the Office of the High Commissioner and other relevant United Nations agencies, relevant special procedures of the Human Rights Council and other relevant bodies such as the subsidiary bodies and constituent mechanisms, including the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts of the United Nations Framework Convention on Climate Change, the United Nations Environment Programme, the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and the World Meteorological Organization, as well as other relevant stakeholders with appropriate expertise, including national human rights institutions;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the appropriate mechanisms sufficiently in advance to ensure that it feeds into the stocktaking meeting of the preparatory process leading to the adoption of the global compact on safe, orderly and regular migration and to the work of the Warsaw International Mechanism for Loss and Damage, particularly to the ongoing work of the Task Force on Displacement under the United Nations Framework Convention on Climate Change, noting the potential of the panel discussion to inform these processes, and to submit the summary report also to the Human Rights Council at its thirty-seventh session;

12. *Also requests* the Office of the High Commissioner to undertake research on addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the sudden-onset and slow-onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps and submit a report on the research to the Human Rights Council at its thirty-eighth session;

13. *Invites* the special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

14. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly the human rights of migrants and persons displaced across international borders in the context of the adverse impact of climate change, within their respective mandates;

15. *Calls upon* States to integrate a gender perspective in pursuing mitigation and adaptation responses to the adverse impact of climate change on the full and effective enjoyment of human rights, including those of migrants and persons displaced across international borders in the context of the adverse impact of climate change;

16. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

17. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

18. *Decides* to remain seized of the matter.

36th meeting
22 June 2017

[Adopted without a vote.]

35/21. The contribution of development to the enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and all other relevant human rights instruments,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development,[149]

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[149] General Assembly resolution 70/1.

Recalling further Human Rights Council resolution 33/14 of 29 September 2016, in which the Council appointed the Special Rapporteur on the right to development, and his mandate described therein,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing,

Welcoming the adoption of the 2030 Agenda, including the pledge therein to leave no one behind, and reaffirming that the realization of sustainable development in all its three dimensions contributes to the promotion and protection of human rights for all,

Reaffirming that the 2030 Agenda is an agenda of unprecedented scope and significance, accepted by all countries and applicable to all, and that the Sustainable Development Goals and targets are integrated and indivisible, global in nature and universally applicable, take into account different national realities, capacities and levels of development and respect national policies and priorities, while remaining consistent with relevant international rules and commitments,

Reaffirming also that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual eradication must remain a high priority for the international community, and that the efforts towards the achievement of this goal should be strengthened,

Reiterating that States should cooperate with each other in ensuring sustainable and inclusive development and eliminating obstacles to development, and that the international community should promote effective international cooperation in this regard,

Recognizing the common aspiration to build a community of shared future for human beings,

1. *Affirms* that development contributes significantly to the enjoyment of all human rights by all;

2. *Calls upon* all countries to realize people-centred development of the people, by the people and for the people;

3. *Calls upon* all States to spare no effort to promote sustainable development, in particular while implementing the 2030 Agenda for Sustainable Development, as it is conducive to the overall enjoyment of human rights;

4. *Welcomes* further efforts to promote development initiatives with the aim of promoting partnerships, win-win outcomes and common development;

5. *Invites* all relevant bodies of the United Nations system to mobilize resources to assist States, as requested, in realizing sustainable and inclusive development;

6. *Requests* the Advisory Committee to conduct a study on the ways in which development contributes to the enjoyment of all human rights by all, in particular on best experiences and practices, and to submit the report to the Human Rights Council before its forty-first session;

7. *Decides* to remain seized of the matter.

36th meeting
22 June 2017

[Adopted by a recorded vote of 30 to 13, with 3 abstentions.* The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia,

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[*] The delegation of Paraguay did not cast a vote.

Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan Mongolia, Nigeria, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Georgia, Panama, Republic of Korea]

35/22. Realizing the equal enjoyment of the right to education by every girl

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights and other relevant international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all relevant Human Rights Council resolutions, in particular resolution 32/20 of 1 July 2016,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development, and in this regard welcoming the 2030 Agenda for Sustainable Development,[150] including its Sustainable Development Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, underlining the commitment therein to eliminate gender disparities in education, and Goal 5 on achieving gender equality, and empowering all women and girls,

Recalling the need to ensure that all children enjoy the right to education and are ensured equal access to quality early childhood development, care and pre-primary education so that they are ready for primary education, the need to eliminate gender disparities in education by 2030, and the need to build and upgrade education facilities that are child-, disability- and gender-sensitive and provide safe, non-violent, inclusive, accessible and effective learning environments for all,

Recalling also the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, from 19 to 22 May 2015,

Noting with appreciation the work carried out by all relevant organs, bodies and mechanisms of the United Nations system within their respective mandates, in particular the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights, as well as the efforts of organizations and civil society to promote girls' full and equal enjoyment of the right to education,

Deeply concerned that humanitarian crises and armed conflicts are depriving children of access to education, especially girls, who are two and a half times more likely to be out of school than boys in these settings,

Strongly condemning attacks on and abductions of girls because they attend or wish to attend school, deploring all attacks, including terrorist attacks, on educational institutions as such, their students and staff, and recognizing the negative impact that such attacks have on the progressive realization of the right to education, in particular of girls, while recognizing the obligations of States to provide an enabling and secure environment to ensure the safety of schools,

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[150] General Assembly resolution 70/1.

Reaffirming the equal right of every child to education without discrimination of any kind, and noting the multiple and intersecting forms of discrimination often faced by girls,

Stressing the importance of the contribution of parliamentarians, national human rights institutions and civil society, including non-governmental organizations, to the equal enjoyment of the right to education by every girl,

Recognizing that gender stereotypes about the role of women and girls underpin the obstacles to girls' equal enjoyment of quality education, and that stereotypes are also perpetuated in school curricula and materials,

Determined to give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind,

Recognizing that education is a multiplier right that empowers women and girls to claim their human rights, including the right to participate in public life, as well as economic, social and cultural life, and to participate fully in the making of decisions that shape society,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights, prepared pursuant to Human Rights Council resolution 32/20;[151]

2. *Urges* all States:

(*a*) To strengthen and intensify their efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to education by every girl, to eliminate legal, administrative, financial, structural, social and cultural barriers that hinder girls' equal enjoyment of the right to education, and to appropriately ensure non-discrimination in the admission of girls and boys at all levels of education, particularly when designing policy measures, programmes and resource allocations;

(*b*) To strengthen and intensify their efforts to prevent and eliminate all forms of school-related violence against girls, and to hold those responsible for those acts accountable;

(*c*) To review, repeal and eliminate, as appropriate, laws, policies and practices that can negatively affect the right to education of every girl, including discriminatory laws, policies, practices, customs, traditions or religious considerations, financial barriers, violence, including sexual violence in the school environment, the worst forms of child labour, and harmful practices, such as female genital mutilation, gender stereotypes, child, early and forced marriage and early pregnancy;

(*d*) To eliminate gender stereotypes from all educational processes, practices and teaching materials, including through periodic review and revision of school curricula, textbooks, programmes and teaching methods, and the inclusion of human rights education, including on gender equality and non-discrimination, as part of the mandatory school curriculum, and to ensure that girls are encouraged to freely choose non-traditional fields of study;

(*e*) To provide adequate access to water and safe, separate and quality sanitation facilities in schools, and to promote appropriate hygiene behaviour, since school water supply and sanitation are essential elements of basic education;

3. *Calls upon* States to place enhanced emphasis on quality education for girls, including catch-up, non-formal and literacy education for those who did not receive formal education, and special initiatives for keeping girls in school through post-primary education, and to promote access to skills and entrepreneurship training for girls;

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[151] A/HRC/35/11.

4. *Encourages* States to support girls' access to skills development by expanding the scope of education and training opportunities ranging from basic digital fluency to advanced technical skills in science, technology, engineering and mathematics, and in information and communications technology;

5. *Also encourages* States to increase investments and international cooperation to provide equal opportunity for all girls to complete free, equitable, inclusive and quality early childhood, primary and secondary education, including by scaling up and strengthening national, regional and international initiatives, as appropriate, such as the United Nations Girls' Education Initiative, the Out-of-School Children Initiative, the Global Partnership for Education and the United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, and to explore additional innovative mechanisms based on models combining public and private resources while ensuring that all education providers are qualified and adequately trained and give due respect to human rights, including the right to education;

6. *Encourages* international cooperation to complement the efforts of States in matters relating to education, in particular with a view to effectively eliminating all forms of discrimination and stereotypes in education, and supports the efforts of the United Nations system in this regard;

7. *Reaffirms* the importance of continuing to develop and enhance standards and methodologies at the national, regional and international levels to improve the collection, analysis and dissemination of gender statistics and data on access to education, in particular access to universal primary education; the gender gap in youth literacy; the number of out-of-school children, and others;

8. *Urges* States to support the efforts of developing countries, in particular least developed countries, to progressively realize the right to education, in particular ensuring the right to education of every girl through allocating appropriate resources, including financial and technical resources, in support of country-led national education plans;

9. *Reaffirms* the importance of enhancing the dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Special Rapporteur on the right to education and other partners that pursue the goals of girls' education with a view to promoting further the right to education of girls in the operational activities of the United Nations system;

10. *Encourages* the High Commissioner and relevant special procedure mandate holders to give the required attention to realizing the equal enjoyment of the right to education by every girl in carrying out their mandates and in their reporting, and to work collectively towards its realization through practical and efficient steps;

11. *Decides* to remain seized of the matter.

36th meeting
22 June 2017

[Adopted without a vote.]

35/23. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, *Reaffirming also* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Reaffirming further that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Recalling Human Rights Council resolution 33/9 of 29 September 2016 and all relevant previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights,

Recalling also the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health-care services,

Reaffirming World Health Assembly resolutions 69.1 of 27 May 2016, on strengthening essential public health functions in support of the achievement of universal health coverage, 69.11 of 28 May 2016, on health in the 2030 Agenda for Sustainable Development, and 70.15 of 31 May 2017, on promoting the health of refugees and migrants,

Reaffirming also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health-care services and social protection, and where physical, mental and social well-being are assured,

Recognizing that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Reaffirming that the Goals and targets of the 2030 Agenda are integrated and indivisible, balance the three dimensions of sustainable development, namely, the economic, social and environmental, seek to achieve gender equality and the empowerment of women and girls, and are global in nature and universally applicable, taking into account different national realities, capacities and levels of development and respecting national policy space and priorities,

Welcoming the Sustainable Development Goals, including, inter alia, Goal 3, on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, as well as other health-related Goals and targets,

Welcoming also the inclusion of gender equality and empowerment of all women and girls as a stand-alone goal, and its integration into all Goals and targets of the 2030 Agenda and throughout the implementation process,

Recognizing, in particular, the commitments made by States in the 2030 Agenda to leave no one behind, and to endeavour to reach the furthest behind first, founded on the dignity of the human person, and reflecting the principles of equality and non-discrimination,

Reaffirming the right of refugees and migrants to the enjoyment of the highest attainable standard of physical and mental health,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing the need for States to address the social, economic and environmental determinants of health, as well as to address holistically a range of barriers arising from inequality and discrimination that impede access to health-care services,

Noting with concern that, for millions of people throughout the world, especially for women and girls, the full enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal,

Recognizing that women, youth, children, indigenous persons, older persons, persons with disabilities, persons living with HIV and people of African descent face particular challenges and multifaceted and intersecting forms of discrimination in the enjoyment of the right to the highest attainable standard of physical and mental health,

Deeply concerned that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, may be subject to, inter alia, widespread discrimination, stigma, prejudice, violence, social exclusion and segregation, unlawful or arbitrary institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

Deeply concerned also that, despite the impressive reductions in maternal mortality rates achieved since 1990, according to the World Health Organization, in 2015, there were an estimated 303,000 maternal deaths of women and girls, which were largely preventable, and that many more women and girls suffer serious and sometimes lifelong injuries, which have severe consequences for their enjoyment of their human rights and their overall well-being,

Deeply concerned further that more than 5,900,000 children under 5 years of age die each year, mostly from preventable and treatable causes, owing to inadequate access or lack of access to integrated and quality maternal, newborn and child health-care services, to early childbearing, and to health determinants, such as safe drinking water and sanitation, safe and adequate food and nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Regretting the high number of people still without access to affordable, safe, efficacious and quality medicines, vaccines, diagnostics and medical devices, underscoring that improving such access could save millions of lives every year, and noting with deep concern that, according to the World Health Organization in its World Medicines Situations Report of 2011, at least one third of the world's population has no regular access to medicines, while recognizing that the lack of access to medicines is a global challenge that affects people not only in developing countries but also in developed countries, even though the disease burden is disproportionately high in developing countries,

Noting with concern that approximately 54 per cent of persons living with HIV are in need of treatment, many of whom do not know their HIV status,

Concerned at the instances of multiple or aggravated forms of discrimination, stigma, violence and abuses that affect the enjoyment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and recalling the importance that States adopt or strengthen laws, policies and practices to eradicate any form of discrimination, stigma, violence and abuse in health-care services,

Recognizing that universal health coverage implies that all people have access without discrimination to nationally determined sets of the needed promotive, preventive, curative, palliative and rehabilitative essential health-care services, including sexual and reproductive health-care services, and essential, safe, affordable, efficacious and quality medicines, vaccines, diagnostics and medical devices, while ensuring that the use of these services does not expose the users to financial hardship, with a special emphasis on the poor, vulnerable and marginalized segments of the population,

Underscoring that the full realization of human rights and fundamental freedoms for all, including the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, contributes to the efforts to implement the health-related Sustainable Development Goals, while recognizing that, inter alia, discrimination, stigma, corruption, violence and abuse are major obstacles in this regard,

Underscoring also that the implementation of the health-related Sustainable Development Goals contributes to the full realization of human rights and fundamental freedoms for all, including the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Stressing the importance of strengthening the meaningful participation of women in decision-making processes and developing gender-sensitive multisectoral health policies and programmes in order to address their needs,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Recognizing also the positive contribution of the work of the Human Rights Council, including through its universal periodic review mechanism, to national, regional and global efforts for the implementation of the Sustainable Development Goals and targets,

1. *Takes note* of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the 2030 Agenda for Sustainable Development;[152]

2. *Calls upon* States to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with special attention to groups in vulnerable situations;

3. *Urges* States to work towards the full implementation of all Sustainable Development Goals and targets with a view to contributing to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including, inter alia, the following targets of the 2030 Agenda for Sustainable Development:

- Target 3.1: By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births;
- Target 3.2: By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births;
- Target 3.3: By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases;
- Target 3.4: By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being;
- Target 3.5: Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol;

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[152] A/71/304.

- Target 3.6: By 2020, halve the number of global deaths and injuries from road traffic accidents;
- Target 3.7: By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes;
- Target 3.8: Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all;
- Target 3.9: By 2030, substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination;
    - Target 3.a: Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate;
    - Target 3.b: Support the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines, in accordance with the Doha Declaration on the TRIPS Agreement and Public Health, which affirms the right of developing countries to use to the full the provisions in the Agreement on Trade-Related Aspects of Intellectual Property Rights regarding flexibilities to protect public health, and, in particular, provide access to medicines for all;
    - Target 3.c: Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States;
    - Target 3.d: Strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks; and
    - Target 5.6: Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;

4. *Also urges* States to bring their laws, policies and practices, including their strategies towards the implementation of the health-related Sustainable Development Goals, fully into compliance with their obligations under international human rights law, and to review and, where necessary, repeal those that are discriminatory;

5. *Encourages* States to promote the effective, full and meaningful participation of all, in particular of those in vulnerable situations, in the design, implementation and monitoring of law, policies and programmes relevant to realizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to implementing the health-related Sustainable Development Goals, including strategies for universal health coverage;

6. *Also encourages* States, when monitoring progress in the implementation of the health-related Sustainable Development Goals, to use high-quality, timely and reliable data, disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, while respecting human rights principles, including participation, self-identification, transparency, privacy and accountability;

7. *Further encourages* States to empower users of health-care services to know and demand their rights, including through health and human rights literacy, and to provide human rights education and training for health workers, with special focus on non-discrimination, free and informed consent, confidentiality, privacy and the duty to provide treatment, and to exchange best practices in this regard;

8. *Encourages* States, when reporting on the implementation of the Sustainable Development Goals to the high-level political forum on sustainable development, to include in their national voluntary reports references to the human rights dimension, in particular to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics and medical devices that are affordable, safe, efficacious and of quality; financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States; and recognizes the fundamental relevant importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed;

10. *Calls upon* States to fulfil their respective official development assistance commitments, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance, and urges those developed countries that have not done so to make concrete efforts in this regard in accordance with their commitments;

11. *Encourages* the Special Rapporteur, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to continue to focus on the human rights dimension that could contribute to the effective implementation of the health-related Sustainable Development Goals and targets;

12. *Also encourages* the Special Rapporteur to continue to advise States, intergovernmental organizations, civil society, the private sector and other stakeholders on effective and sustainable practices to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda, and to follow up and participate in relevant international forums and major events in this regard, including the annual sessions of the World Health Assembly and of the high-level political forum;

13. *Requests* the United Nations High Commissioner for Human Rights to prepare a report that presents contributions of the right to health framework to the effective implementation and achievement of the health-related Sustainable Development Goals, identifying best practices, challenges and obstacles thereto, and to submit it to the Human Rights Council at its thirty-eighth session;

14. *Encourages* the High Commissioner, when elaborating the above-mentioned report, to consult and take into account the views of Member States and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, especially the World Health Organization, the treaty bodies, special procedure mandate holders, national human rights institutions and civil society, as well as their work on the issue;

15. *Calls upon* States and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, to contribute to the report of the High Commissioner.

37th meeting
23 June 2017

[Adopted without a vote.]

35/24. Human rights in cities and other human settlements

The Human Rights Council,

Guided by the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Considering that the world urban population currently accounts for more than half of the global population and that, by 2050, the number of people living in urban areas is expected to nearly double, increasing this proportion to two thirds of the global population and thus making urbanization one of the twenty-first century's most transformative trends,

Recalling relevant resolutions of the Human Rights Council, in particular resolutions 31/9 of 23 March 2016, 33/10 of 29 September 2016, 34/9 of 23 March 2017 and 34/20 of 24 March 2017, and the resolutions of the General Assembly on the implementation of the outcome of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and the strengthening of the United Nations Human Settlements Programme, including resolutions 71/235 of 21 December 2016 and 71/256 of 23 December 2016,

Recognizing the need to build peaceful, just and inclusive societies that are based on respect for human rights, including the right to development,

Taking fully into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024, the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020, the Rio Declaration on Environment and Development, the World Summit on Sustainable Development, the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action, the United Nations Conference on Sustainable Development and the follow-up to these conferences,

Welcoming the adoption of the outcome document of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), entitled "New Urban Agenda", which is grounded in the vision that aims to achieve cities and human settlements where all persons are able to enjoy equal rights and opportunities, as well as their fundamental freedoms, guided by the purposes and principles of the Charter of the United Nations, including full respect for international law,

Noting the efforts of some national and local governments to enshrine this vision, referred to as "right to the city", in their legislation, political declarations and charters,

Reaffirming that all human rights are universal, indivisible, interrelated and interdependent,

Noting that there are specific challenges in the promotion and protection of human rights in cities and other human settlements,

Underscoring the need for an intersectoral, sustainable, resilient, integrated, people-centred, age- and gender-responsive approach, based on international human rights law, in the planning, formulation, development and execution of urban policies at all levels of governance,

Bearing in mind that, in order to break the cycle of intergenerational poverty and vulnerability, positive action needs to be taken, including in the form of policies that address existing inequalities in the distribution of services, resources and infrastructure, as well as access to food, health, education and decent work in cities and other human settlements,

Underlining that the promotion of a human rights culture within public services, as well as public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Commending and taking into consideration the urban dimension of the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 11, on making cities and human settlements inclusive, safe, resilient and sustainable, and the importance of sustainable urban development as a critical step for realizing sustainable development in an integrated and coordinated manner at the global, regional, national, subnational and local levels, with the participation of all relevant stakeholders,

Recognizing the importance of the existing mandate of the United Nations Human Settlements Programme as a focal point for sustainable urbanization and human settlements, in collaboration with other United Nations system entities, including its role in providing substantive and technical support to developing countries in areas related to sustainable cities and human settlements as reflected in, inter alia, the New Urban Agenda,

1. *Reaffirms* the vision of cities for all, referring to the equal use and enjoyment of cities and human settlements, seeking to promote inclusivity and ensure that all inhabitants, of present and future generations, without discrimination of any kind, are able to inhabit and produce just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements to foster prosperity and quality of life for all, that envisages cities and human settlements that, inter alia, fulfil their social function;

2. *Also reaffirms* the need to promote equitable, affordable and accessible sustainable basic physical and social infrastructure for all, without discrimination, including affordable serviced land, adequate housing, modern and renewable energy, safe drinking water and sanitation, safe, nutritious and adequate food, waste disposal, sustainable mobility, health care and family planning, education, culture, and information and communications technology, while ensuring that these services adhere to the human rights obligations of States and respond to the needs of women, children and youth, older persons and persons with disabilities, migrants, indigenous peoples, local communities and others that are in vulnerable situations, and in this regard encourages the elimination of legal, institutional, socioeconomic and physical barriers;

3. *Reiterates* that each country has primary responsibility for its own economic and social development and that the role of national policies and development strategies cannot be overemphasized, respecting each country's policy space and leadership to implement policies for poverty eradication and sustainable development, while remaining consistent with relevant international rules and commitments;

4. *Encourages* States to strengthen urban governance, as appropriate, and urban-rural linkages, with sound institutions and mechanisms that empower and include relevant urban and related rural stakeholders, as well as appropriate checks and balances, providing predictability and coherence in urban development plans to enable social inclusion, sustained, inclusive and sustainable economic growth and environmental protection;

5. *Urges* States to take deliberate and effective steps to foster the progressive realization of the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, by ensuring legal security of tenure which guarantees legal protection against forced eviction, harassment and other threats, and developing and implementing, at all levels, integrated housing policy approaches that address the strong links between education, employment, housing and health, preventing exclusion, discrimination and segregation, and by promoting inclusive slum upgrading and prevention strategies that go beyond physical and environmental improvements to ensure that slums and informal settlements are integrated into the political, social, cultural and economic dimensions of cities;

6. *Also urges* States to consider promoting, adapting and implementing road safety policies to protect persons in vulnerable situations, in particular children, youth, older persons and persons with disabilities, in line with relevant United Nations legal instruments, as appropriate, including the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities;

7. *Further urges* States to promote safe, inclusive, accessible, green and quality public spaces equally accessible to all without discrimination, that are multifunctional areas for social interaction and inclusion, human health and well-being, and also promote economic exchange and cultural expression and dialogue among a wide diversity of people and cultures, and that are designed and managed to ensure human development and build peaceful, inclusive and participatory societies;

8. *Urges* States to promote a safe, healthy, inclusive and secure environment in cities and human settlements enabling everyone to live, work and participate in urban life without fear of violence and intimidation, taking into account vulnerability and cultural factors in the development of policies concerning public security and crime and violence prevention, including by preventing and countering the stigmatization of specific groups as posing inherently greater security threats;

9. *Reaffirms* that the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living are essential for the full enjoyment of the right to life as well as all other human rights;

10. *Invites* States to promote adequate public and private investments in protective, accessible and sustainable infrastructure and service provision systems for water, sanitation and hygiene, sewage, solid waste management, urban drainage, reduction of air pollution and storm water management, and to seek to ensure that this infrastructure is climate resilient and forms part of integrated urban and territorial development plans, including housing and mobility, among others;

11. *Calls upon* States to foster ecosystem-based solutions, including in areas that support cities and human settlements, to ensure sustainable consumption and production and waste management patterns, in line with Sustainable Development Goal 12, so that the ecosystem's regenerative capacity is not exceeded, with a view to addressing the unprecedented threats faced by cities and human settlements from loss of biodiversity, pressure on ecosystems, pollution, natural and human-made disasters, and climate change and its related risks, noting that these threats undermine the efforts to end poverty in all its forms and dimensions and to achieve sustainable development;

12. *Recognizes* the need to move from reactive to more proactive risk-based, all-hazards and all-of-society approaches to reduce disaster risks and build resilience in cities and other human settlements by promoting the mainstreaming of disaster risk assessments into land-use policy development and implementation, including urban planning, and integrating "build back better" principles into the post-disaster recovery process, as well as to build the capacity of local authorities to develop and implement disaster risk reduction and response plans, such as risk assessments on the location of current and future public facilities, and formulate adequate contingency and evacuation procedures in line with the Sendai Framework for Disaster Risk Reduction 2015-2030;

13. *Stresses* the commitment of States to ensure full respect for the human rights of refugees, internally displaced persons and migrants, regardless of their migration status, and to support their host cities in the spirit of international cooperation, taking into account national circumstances, and recognizes that, although the movement of large populations into towns and cities poses a variety of challenges, it can also bring significant social, economic and cultural contributions to urban life;

14. *Reaffirms* the commitments on means of implementation included in the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, and invites international multilateral financial institutions, regional development banks, development finance institutions and cooperation agencies to provide financial support, including through innovative financial mechanisms, to programmes and projects for implementing the New Urban Agenda, particularly in developing countries;

15. *Encourages* relevant special procedure mandate holders, in fulfilling their respective mandates, to submit proposals that could support States in the implementation of the New Urban Agenda and Sustainable Development Goal 11;

16. *Underscores* the importance of the high-level meeting of the General Assembly, to be convened by the President of the Assembly during the seventy-first session of the Assembly, to discuss the effective implementation of the New Urban Agenda and the positioning of the United Nations Human Settlements Programme in this regard.

37th meeting
23 June 2017

[Adopted without a vote.]

35/25. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolutions 19/20 of 23 March 2012 and 31/14 of 23 March 2016, on the role of good governance in the promotion and protection of human rights, 21/13 of 27 September 2012, on a panel discussion on the negative impact of corruption on the enjoyment of human rights, 23/9 of 13 June 2013 and 29/11 of 2 July 2015,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 181 States are parties, has been the most comprehensive and universal instrument on corruption since its entry into force on 14 December 2005, and the purposes of which are outlined in its article 1,

Noting with interest the outcomes of the third, fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held, respectively, in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City in 2013, and the sixth session of the Conference, held in Saint Petersburg, Russian Federation, in 2015, as well as plans to convene the seventh session of the Conference in Vienna in 2017, and stressing the need for States parties to the Convention to ensure the effective implementation of the resolutions adopted by the Conference,

Noting the compilation of best practices of efforts to counter the negative impact of corruption on the enjoyment of all human rights developed by States, national human rights institutions, national anti-corruption authorities, civil society and academia, prepared by the Office of the United Nations High Commissioner for Human Rights and submitted to the Council at its thirty-second session,[153]

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Recognizing that the international legal frameworks for protecting human rights and fighting corruption are complementary and mutually reinforcing,

Recognizing also that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing further that good governance and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

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[153] A/HRC/32/22.

Highlighting the global character of corruption and the consequential need for international cooperation to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations and to realize, within the maximum available resources, the Sustainable Development Goals,

Welcoming the 2030 Agenda for Sustainable Development,[154] including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, on effective rule of law and on good governance at all levels, and on transparent, effective and accountable institutions, and its addressing of factors that give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows,

Acknowledging that marginalized groups are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that such an adverse impact can lead to and be further aggravated by discrimination,

Stressing that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that those measures should be strengthened at all levels,

Recognizing the importance of creating a safe and enabling environment for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting against corruption,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human rights, in line with rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Stressing the importance of setting up an appropriate legal framework to safeguard human rights while preventing and fighting corruption,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving non-State actors, including the private sector, through effective regulatory and investigative mechanisms, with a view to holding perpetrators to account, recovering assets of illicit origin derived from acts of corruption and providing redress to victims,

Highlighting that States shall, in accordance with their respective legal systems, endeavour to establish and promote effective practices aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

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[154] General Assembly resolution 70/1.

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights, through their complaint procedures, investigations and analysis,

Highlighting also the opportunities provided by information and communications technology to strengthen transparency and accountability, as well as to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of mainstreaming anti-corruption efforts into national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting countries in meeting the objectives of the Convention,

Recalling the final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights,[155]

1. *Urges* States that have not yet done so to consider ratifying the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;

2. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 to substantially reduce corruption and bribery in all their forms;

3. *Underlines* the necessity to step up cooperation and coordination among different stakeholders at the national, regional and international levels to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

4. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights;

5. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

6. *Calls for* the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

7. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be addressed and prevented through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;

8. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;

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[155] A/HRC/28/73.

9. *Stresses* that international cooperation can contribute to the prevention of the negative impact of corruption on the enjoyment of human rights, including through the delivery of advisory services, technical assistance and capacity-building, and the exchange of best practices to support States, upon their request, in their efforts to prevent and to fight corruption;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and to keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights;

11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights;

12. *Requests* the Office of the High Commissioner to organize, before the thirty-ninth session of the Human Rights Council, in coordination with the United Nations Office on Drugs and Crime and with the participation of relevant United Nations entities, an intersessional, half-day open-ended expert workshop, with the objective of exchanging best practices on how the United Nations system supports States in preventing and fighting against corruption, with a focus on human rights;

13. *Requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its forty-first session.

37th meeting
23 June 2017

[Adopted without a vote.]

35/26. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition, *Welcoming* Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation to reduce levels of violence in the Syrian Arab Republic by helping to establish the ceasefire announced on 29 December 2016,

Supporting all efforts to reduce the violence in the Syrian Arab Republic, including the Astana talks, and hoping that, in particular, the initiative of the Astana guarantors to establish de-escalation areas in the Syrian Arab Republic will lead to a sustained reduction in violence,

Demanding that all parties to the ceasefire in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to ensure the fulfilment of the ceasefire and to support efforts to render the ceasefire durable and to end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that deliberate attacks on schools and educational and medical facilities may amount to war crimes,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011 to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

5. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Da'esh), Al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Da'esh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

6. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Da'esh), in particular the enslavement and sexual abuse and exploitation of women and girls, enforced disappearances and the forced recruitment and abduction of children;

7. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children and persons with disabilities;

8. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, not to commit indiscriminate attacks against the civilian population and civilian facilities, including against medical facilities, personnel and transport, schools and humanitarian workers, and also urges all parties to comply with their obligations under international humanitarian law and to respect international human rights law;

9. *Strongly condemns* all attacks against hospitals and schools as reported by the Commission of Inquiry,[156] and urges the Syrian authorities to refrain from actions that impede children's access to education, which is of vital importance for their protection and development;

10. *Also strongly condemns* the besiegement and bombardment of eastern Aleppo in the second half of 2016, which, as made clear by the Commission of Inquiry in its report on the events in Aleppo,[156] subjected the civilian population of the city to untold suffering and claimed hundreds of lives;

11. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report, including those suggesting that the offensive against Aleppo involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and their allies;

12. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

13. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Also strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at the reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February

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[156] See A/HRC/34/64 and A/HRC/34/CRP.3.

2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Condemns* the denial of medical services in all prisons and detention facilities;

17. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

18. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

19. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees and to allow access to medical services for all detainees;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

21. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors,[157] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

22. *Welcomes* the report of the Organization for the Prohibition of Chemical Weapons fact-finding mission in the Syrian Arab Republic regarding the incident in Um-Housh on 16 September 2016,[158] and expresses grave concern that victims were exposed to sulfur mustard;

23. *Expresses grave concern* at the reported use of chemical weapons in Khan Sheikhoun on 4 April 2017, notes the update from the fact-finding mission that results of analyses indicate exposure to sarin or a sarin-like substance,[159] and looks forward to seeing further reporting of the fact-finding mission on the incident;

24. *Also expresses grave concern* at the reports of the Organization for the Prohibition of Chemical Weapons Declaration Assessment Team of July 2016 and March 2017, according to which the organization is not able to confirm that the Syrian declaration regarding its chemical weapons programme is complete and accurate, and calls upon the Syrian Arab Republic to cooperate fully with the Declaration Assessment Team to further clarify remaining gaps, inconsistencies and discrepancies in its declaration;

25. *Recalls* the reports of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism of 24 August and 21 October 2016,[160] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic — in Talmenes in 2014 and in Qmenas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Da'esh) was responsible for one sulfur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013) and the decisions of the Executive Council of the Organization, including decision EC-M-33/DEC.1, as well as the

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[157] See Security Council resolution 2235 (2015).

[158] S/2017/400, annex.

[159] See S/2017/440, annex.

[160] See S/2016/738/Rev.1 and S/2016/888.

use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

27. *Demands* that all parties identified in the reports of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

28. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

29. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

30. *Also condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against civilians and civilian infrastructure, including medical facilities, personnel and transport;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

32. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

33. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

34. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

35. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

36. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016), 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

37. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

38. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

39. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the

Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and stresses the complementary nature of its mandate with that of the Commission of Inquiry;

40. *Invites* Member States to support actively the International, Impartial and Independent Mechanism and to provide adequate financial means for its establishment and functioning;

41. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

42. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bringing about reconciliation and sustainable peace;

43. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

44. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

45. *Expresses deep concern* at the plight of the roughly four and a half million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian access;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches populations in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

48. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the follow-up conference in Brussels on 5 April 2017 hosted by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations, which reaffirmed international support for the United Nations-led intra-Syrian talks in Geneva, secured pledges totalling 6 billion United States dollars for 2017 and 3.7 billion dollars for 2018-2020 for humanitarian needs in the Syrian Arab Republic and the region, renewed commitment to supporting the resilience of host communities and refugees in Jordan, Lebanon, Turkey, Egypt and Iraq, and underlined the need to protect civilians and to respect international human rights law and international humanitarian law;

49. *Renews its call upon* all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the Brussels conference;

50. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and

policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection regardless of gender, religion or ethnicity;

52. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

53. *Decides* to remain seized of the matter.

37th meeting
23 June 2017

[Adopted by a recorded vote of 27 to 8, with 12 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Kyrgyzstan, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Mongolia, Nigeria, South Africa, Tunisia]

35/27. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 32/26 of 1 July 2016, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the European Union,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus of 21 April 2017;[161]

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[161] A/HRC/35/40.

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the freedoms of peaceful assembly, association and expression, as demonstrated by the response of the Government of Belarus to the February and March 2017 peaceful protests; the continued allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing crackdown on human rights defenders and civil society organizations, many of which are denied registration or raided by the authorities; the arrest of journalists in March 2017 and various infringements on freedom of expression, including by the media; and urges the Government to fully respect the freedoms of expression, peaceful assembly and association;

3. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies; and also deplores the absence of specific and comprehensive anti-discrimination laws, which affects individuals belonging to vulnerable groups and religious minorities;

4. *Reiterates its call upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

5. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016-2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, and welcomes the submission of the fifth report by the Government on the implementation of the International Covenant on Civil and Political Rights, in March 2017;

6. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

7. *Urges* the Government of Belarus, in the light of the developments in February and March 2017, to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

8. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, political activists continue to be ill-treated and faced with invented charges, while there has been no progress on outstanding cases of enforced disappearance of political opponents;

9. *Urges* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices ahead of the local elections early in 2018, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

10. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of the 2030 Agenda for Sustainable Development;[162]

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-eighth session and to the General Assembly at its seventy-third session;

12. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of his recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of his mandate, and requests the latter to continue to monitor developments and make recommendations.

37th meeting
23 June 2017

[Adopted by a recorded vote of 18 to 8, with 21 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Brazil, Croatia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, India, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Botswana, Congo, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, Georgia, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates]

35/28. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, and by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010, 16/26 of 25 March 2011, 19/24 of 23 March 2012, 24/25 of 27 September 2013, 26/28 of 27 June 2014, 29/19 of 2 July 2015 and 32/27 of 1 July 2016,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

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[162] General Assembly resolution 70/1.

1. *Takes note with appreciation* of the report of the Co-Chair-Rapporteurs of the 2016 Social Forum, held in Geneva from 3 to 5 October 2016;[illegible]

2. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

3. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

4. *Stresses* the need for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

5. *Decides* that the Social Forum will meet for three working days in 2018, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them;

6. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2018 Social Forum, bearing in mind the principle of regional rotation;

7. *Requests* the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them as background documents for the dialogues and debates that will be held at the 2018 Social Forum;

8. *Also requests* the High Commissioner to facilitate participation in the 2018 Social Forum, in order to contribute to interactive dialogues and debate at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries;

9. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open

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[illegible] A/HRC/34/69

and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

10. *Requests* the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

11. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

12. *Invites* the 2018 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its fortieth session;

13. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

14. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

15. *Decides* to continue consideration of this issue at its thirty-eighth session under the same agenda item.

37th meeting
23 June 2017

[Adopted without a vote.]

35/29. Contribution of parliaments to the work of the Human Rights Council and its universal periodic review

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and all relevant human rights instruments,

Acknowledging the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws, including by supporting the implementation of recommendations generated by the international human rights mechanisms, especially the recommendations supported by the State concerned in the framework of the universal periodic review, as appropriate, and hence their contribution to the fulfilment by each State Member of the United Nations of its human rights obligations and commitments and to the strengthening of the rule of law,

Taking note of the successive resolutions adopted by the General Assembly since 2010, in particular its resolutions 65/123 of 13 December 2010, in which the Assembly recognized the importance of continued parliamentary support for the work of the Human Rights Council, and 66/261 of 29 May 2012, in which it encouraged the Inter-Parliamentary Union, as the world organization of national parliaments, to strengthen its contribution to the Council, particularly with regard to the universal periodic review, as well as resolution 68/272 of 19 May 2014, in which the Assembly welcomed the contribution of the Inter-Parliamentary Union to the work of the Council,

Recalling Human Rights Council resolutions 22/15 of 21 March 2013, 26/29 of 27 June 2014 and 30/14 of 1 October 2015, on the contribution of parliaments to the work of the Council and its universal periodic review,

Taking note with appreciation of the summary report of the United Nations High Commissioner for Human Rights on the panel discussion on taking stock of the contribution of parliaments to the work of the Human Rights Council and its universal periodic review and identifying ways to enhance further that contribution, held on 22 June 2016,[164]

Considering the continued efforts made by the Inter-Parliamentary Union to enhance parliamentary engagement in the work of the Human Rights Council, including its activities with parliaments of States that are reviewed under the universal periodic review, and the collaboration established since 2008 between the Inter-Parliamentary Union and the Committee on the Elimination of Discrimination against Women by, inter alia, making reference to the role of parliaments in the concluding observations of the Committee to States parties,

Noting with interest the recent publication by the Inter-Parliamentary Union, together with the Office of the United Nations High Commissioner for Human Rights, of the *Human Rights Handbook for Parliamentarians No. 26*, to assist parliamentarians in fulfilling their responsibilities to promote and protect human rights,

Considering that the Human Rights Council and parliaments stand to gain considerably from continuing to explore possible synergies to ensure that the universal periodic review has the greatest impact at the national level,

1. *Encourages* States, in accordance with their national legal framework, to promote the involvement of parliaments in all stages of the universal periodic review reporting process through, inter alia the inclusion of the national parliament as a relevant stakeholder in the consultation process for the national report and in the implementation of supported recommendations by the State concerned, and to report on such involvement in their national report and voluntary mid-term reports or during the interactive dialogue session of the universal periodic review;

2. *Welcomes* the growing practice by States under review of including parliamentarians in their national delegations participating in the universal periodic review, and encourages States, as appropriate, to continue this practice;

3. *Invites* the United Nations High Commissioner for Human Rights to provide the Human Rights Council with regular updates on the parliamentary capacity-building and awareness-raising activities carried out by the Office of the High Commissioner in cooperation and coordination with the Inter-Parliamentary Union, and on related activities with regard to the work of the Council and its universal periodic review;

4. *Encourages* all relevant stakeholders to promote and enhance cooperation between their national parliaments and national human rights institutions and civil society in the promotion and protection of all human rights and fundamental freedoms;

5. *Requests* the Office of the High Commissioner to prepare a study, in close cooperation with the Inter-Parliamentary Union and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Council at its thirty-eighth session, in order to provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights;

6. *Encourages* all relevant human rights mechanisms to consider the present resolution within the framework of their respective mandates;

7. *Decides* to continue its consideration of this issue under the same agenda item.

37th meeting
23 June 2017

[Adopted without a vote.]

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[164] A/HRC/35/16.

35/30. Consideration of the elaboration of a draft declaration on the promotion and full respect of human rights of people of African descent

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments,

Recalling also General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Reaffirming the commitments contained in the Durban Declaration and Programme of Action with regard to people of African descent,

Recalling General Assembly resolution 68/237 of 23 December 2013, by which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development",

Recalling also General Assembly resolution 69/16 of 18 November 2014, in which the Assembly adopted the programme of activities for the implementation of the International Decade,

Recalling further all previous Human Rights Council resolutions on the comprehensive follow-up to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action,

Recalling all its previous resolutions on the global elimination of the scourges of racism and racial discrimination,

Recalling also the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives have yet to be attained,

Taking note of all relevant reports of the Working Group of Experts on People of African Descent, and all relevant general recommendations of the Committee on the Elimination of Racial Discrimination,

1. *Recalls* General Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade for People of African Descent, in which the Assembly recommended giving consideration to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent;

2. *Notes with concern* that, despite advances in international and national law, racism, racial discrimination, xenophobia and related intolerance, direct and indirect, de facto and de jure, continue to manifest themselves in inequality and disadvantage against people of African descent;

3. *Notes* that people of African descent and Africans in the diaspora throughout the world constitute some of the poorest and most marginalized groups;

4. *Acknowledges* that people of African descent can suffer from multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth or other status;

5. *Calls upon* all Member States to adopt effective measures to accelerate the realization of the programme of activities for the implementation of the International

Decade, in partnership with other countries, intergovernmental organizations and civil society, as appropriate;

6. *Reaffirms* the importance of enhancing international cooperation for the promotion and protection of all human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

7. *Urges* States to ensure that activities and objectives for the International Decade are planned and implemented in accordance with paragraph 10 of the programme of activities for the implementation of the Decade, on the basis of full consultation and collaboration with people of African descent;

8. *Requests* the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action:

(*a*) To include in the programme of work for its sixteenth session a one-day meeting to consider the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent;

(*b*) To invite States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, the treaty bodies, the special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the aforementioned discussions during the sixteenth session of the Intergovernmental Working Group;

9. *Requests* the Secretary-General to allocate the necessary resources to ensure the participation of civil society organizations, particularly people of African descent, as well as members of academia, in the meeting of the Intergovernmental Working Group, taking into account geographical and gender representation criteria;

10. *Requests* the Intergovernmental Working Group, through its Chair-Rapporteur, to report on the above-mentioned discussion, including any recommendations stemming therefrom, to the Human Rights Council at its fortieth session;

11. *Requests* the Secretary-General to allocate the necessary resources to ensure the participation of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as the Chair of the Committee on the Elimination of Racial Discrimination and the Chair-Rapporteur of the Working Group of Experts on People of African Descent, in the meeting of the Intergovernmental Working Group to contribute to the aforementioned discussions, including on issues related to the format and scope of a possible declaration on the promotion and full respect of human rights of people of African descent;

12. *Encourages* States to engage in national and regional consultations with a view to preparing for the session of the Intergovernmental Working Group;

13. *Decides* to remain seized of this important matter.

37th meeting
23 June 2017

[Adopted without a vote.]

35/31. Cooperation with and assistance to Ukraine in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Recalling its resolutions 26/30 of 27 June 2014, 29/23 of 3 July 2015 and 32/29 of 1 July 2016 on cooperation with and assistance to Ukraine in the field of human rights, *Acknowledging* the efforts of the United Nations, the Organization for Security and Cooperation in Europe and other international and regional organizations to assist Ukraine in protecting the rights of all persons in Ukraine, as described by the General Assembly in its resolution 68/262 of 27 March 2014, and the progress achieved as well as the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to promote and protect human rights on all its territory,

Welcoming also the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms,

Recognizing the importance of the reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance to Ukraine in the field of human rights,

Recognizing also the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolutions 29/23 and 32/29, from the thirtieth to the thirty-fifth sessions of the Council;

2. *Invites* the United Nations High Commissioner for Human Rights to continue to present orally to the States members of the Human Rights Council and observers the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine as part of the interactive dialogues, and through the modalities of the Council, in accordance with its resolution 5/1 of 18 June 2007, until the forty-first session of the Council.

37th meeting
23 June 2017

[Adopted by a recorded vote of 22 to 6, with 19 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Netherlands, Nigeria, Panama, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Botswana, Brazil, Congo, Egypt, El Salvador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Mongolia, Paraguay, Qatar, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates]

35/32. National policies and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, *Recalling* all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also its resolutions 23/19 of 23 June 2013, 27/26 of 26 September 2014 and 30/24 of 2 October 2015, on national policies and human rights,

Recalling further that States emphasized in the Vienna Declaration and Programme of Action and the 2005 World Summit Outcome[165] that they bear the responsibility, in conformity with the Charter, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction of any kind such as race, colour, sex, language, disability, religion, political or other opinion, national or social origin, property, birth or other status,

Bearing in mind that States should integrate their obligations and commitments under international human rights law into their national legislation in order to ensure that State action at the national level is effectively directed towards the promotion and protection of all human rights and fundamental freedoms,

Noting that State action aimed at the promotion, protection and full realization of human rights and fundamental freedoms at the national level is most effective when fully integrated into national policies based on a human rights perspective,

Reaffirming that all human rights are inalienable, universal, indivisible, interdependent and interrelated and that, therefore, national policies aimed at their promotion and protection will also have a mutually reinforcing effect on their realization,

Recognizing that each State has the right to choose the framework that is best suited to its particular needs at the national level,

Reaffirming the importance of international cooperation to support States in the process of integrating their obligations and commitments under international human rights law into national legislation, and drawing up and carrying out national policies aimed at the full realization of human rights and fundamental freedoms,

Recognizing the important and constructive role that national human rights institutions and civil society can play in the process of drawing up and assessing the impact of national policies aimed at the promotion, protection and full realization of human rights and fundamental freedoms,

Bearing in mind that the technical cooperation offered by the Office of the United Nations High Commissioner for Human Rights, upon the request of and in close cooperation with States, with the aim of integrating human rights into national policies and programmes can be a useful vehicle to support States' compliance with their human rights obligations and their follow-up to recommendations made by United Nations human rights mechanisms,

Affirming that the inclusive participation, as appropriate, of all sectors of society in the development, design, formulation and implementation of and follow-up to policies and programmes affecting the population is critical for the success of such processes,

Recognizing that public policies planned and formulated through participatory, transparent and accessible approaches are a key factor in promoting respect for and safeguarding the realization of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, the commitment to working tirelessly for the full implementation of the Agenda by 2030, the recognition in the Agenda that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, the commitment in the Agenda to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of the Agenda by 2030,

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[165] General Assembly resolution 60/1.

Recognizing that the 2030 Agenda for Sustainable Development, of unprecedented scope and significance, is accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities; moreover, that its 17 goals and 169 targets are universal and involve the entire world, developed and developing countries alike, and are aimed at ensuring that no one is left behind,

Noting that the 2030 Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, and is grounded in the Universal Declaration of Human Rights and international human rights treaties, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

1. *Welcomes* the expert workshop to discuss effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies, held on 5 September 2016, and takes note with appreciation of the summary report of the Office of the United Nations High Commissioner for Human Rights on the expert workshop;[166]

2. *Emphasizes* that the 2030 Agenda for Sustainable Development offers entry points for inclusive and participatory implementation of plans and national policies, while mainstreaming human rights towards a more balanced and integrated plan of action for achieving sustainable development that reflects the indivisibility and interdependence of all human rights;

3. *Encourages* States to give due consideration to information, observations and recommendations from human rights mechanisms, including the universal periodic review, when implementing and monitoring progress on the 2030 Agenda;

4. *Encourages* regional and international human rights systems to provide technical assistance and capacity-building to States, upon request, in order to enable them to fulfil their human rights obligations and related commitments through the said processes;

5. *Acknowledges* the efforts made by the Office of the United Nations High Commissioner for Human Rights in both technical assistance and capacity-building, upon request and in close cooperation with States, to align laws, policies, institutions and practices with their human rights obligations and commitments, to implement universal periodic review recommendations supported by the States concerned and to follow up on recommendations made by other United Nations human rights mechanisms;

6. *Encourages* the Office of the High Commissioner to enhance further the efforts aimed at supporting these measures in order that national policies, programmes and strategies, by including human rights obligations in their formulation and execution, have a positive impact on the effective implementation of the Sustainable Development Goals;

7. *Recommends* that States integrate into their national policies a human rights perspective aimed at the promotion, protection and full realization of human rights and fundamental freedoms, and take into consideration the views of civil society in the process;

8. *Requests* the Office of the High Commissioner to prepare a compilation of good practices, challenges, lessons learned and recommendations in mainstreaming human rights as enshrined in international human rights law, into national policies, in order to contribute to the achievement of the Sustainable Development Goals, in consultation with States, relevant United Nations agencies, funds and programmes, intergovernmental

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[166] A/HRC/34/33.

organizations, treaty bodies, special procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, academia and other relevant stakeholders, including through informal regional consultations, and to submit it to the Human Rights Council at its forty-first session;

9. *Requests* the Advisory Committee to contribute during the consultation process, including by the participation of its members in the informal consultations, and to prepare a study that could help States to implement the 2030 Agenda by integrating human rights into national policies on the basis of the compilation prepared by the High Commissioner, and to present it within its regular reporting cycle to the Human Rights Council at its forty-fifth session, on the occasion of the fifth anniversary of the adoption of the 2030 Agenda for Sustainable Development;

10. *Encourages* States to support the Office of the High Commissioner and the members of the Advisory Committee in this endeavour, taking into account the importance of sharing good practices across regions and of international cooperation;

11. *Invites* the Office of the High Commissioner and relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, to the States concerned, with the purpose of assisting them in integrating human rights into national policies and programmes so that national policies aimed at achieving the Sustainable Development Goals contribute to the enjoyment of human rights;

12. *Decides* to remain seized of this issue.

37th meeting
23 June 2017

[Adopted without a vote.]

35/33. Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined the Universal Declaration of Human Rights, and other relevant instruments to which they are parties, including the International Covenants on Human Rights, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolution 33/29 of 30 September 2016 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Gravely concerned by the recent reports of a wave of violence, serious and gross human rights violations and abuses, and violations of international humanitarian law in the Kasai regions perpetrated by all, including those involving recruitment and use of child soldiers, sexual and gender-based violence, destruction of houses, schools, places of worship, and State infrastructure by local militias, as well as of mass graves,

Strongly condemning the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution

1533 (2004) of 12 March 2004, Ms. Zaida Catalán and Mr. Michael Sharp, who were killed in Central Kasai while discharging their mandate,

Deeply alarmed by the humanitarian consequences of the violence affecting civilian populations in the Kasai regions, which have led to more than 1.27 million internally displaced persons inside the country and at least 30,000 seeking refuge in neighbouring countries,

Taking note of the Security Council press statements on the situation in the Democratic Republic of the Congo of 24 February and 4 May 2017,

Taking note also of the press release by the United Nations High Commissioner for Human Rights of 9 June 2017 on the need to complement national efforts,

Stressing its commitment to the fight against impunity with a view to ensuring the non-recurrence of human rights violations and abuses,

1. *Condemns in the strongest terms* all the violence, incitement to hatred and ethnic violence, human rights violations and abuses as well as violations of international humanitarian law witnessed in the Democratic Republic of the Congo, in particular those carried out in the Kasai regions since August 2016, including those involving ethnically motivated violence, violence and abuses against women and children, unlawful recruitment and use of child soldiers, assassinations, extrajudicial killings, enforced disappearances, rapes and other forms of sexual and gender-based violence, cases of mistreatment or torture and other cruel, inhuman or degrading treatment or punishment;

2. *Urges* the Government and all the relevant institutions of the Democratic Republic of the Congo to take all the necessary measures to prevent all violations of international humanitarian law and all the human rights violations and abuses in the Democratic Republic of the Congo, in particular when they constitute war crimes or crimes against humanity, and to hold accountable all those responsible, regardless of their political affiliation;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights;

4. *Urges* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Commends* the role played by regional and international organizations as well as neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai regions;

7. *Calls upon* the Government of the Democratic Republic of the Congo to continue its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Office for Human Rights in the Democratic Republic of the Congo, the Human Rights Council and its special procedures, and underlines the necessity for the United Nations Joint Office for Human Rights to have unfettered and timely access to the whole territory, in particular to the Kasai regions, to operate without hindrance and to have access to all relevant persons and documents;

8. *Welcomes* the commitment of the Government of the Democratic Republic of the Congo to continue its efforts through joint investigations on human rights violations and abuses and violations of international humanitarian law perpetrated in the Kasai regions with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Office for Human Rights, in association with the African Union, as announced by the Minister for Human Rights during the interactive dialogue on the Democratic Republic of the Congo of 22 March 2017;

9. *Takes note* of the initial results of the national investigation into the allegations of human rights violations and abuses committed in the Kasai regions;

10. *Requests* the United Nations High Commissioner for Human Rights to dispatch a team of international experts, including experts from the region, to collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice, and while ensuring the protection of all persons who will cooperate with the team, in cooperation with the Government of the Democratic Republic of the Congo, including by facilitating visits and access to the country, sites and persons, concerning alleged human rights violations and abuses, and violations of international humanitarian law in the Kasai regions, and to forward to the judicial authorities of the Democratic Republic of the Congo the conclusions of this investigation in order to establish the truth and to ensure that the perpetrators of deplorable crimes are all accountable to the judicial authorities of the Democratic Republic of the Congo;

11. *Also requests* the High Commissioner to present an oral update, and to invite the team to participate in an enhanced interactive dialogue at its thirty-seventh session, and requests the High Commissioner to present a comprehensive report with the team's findings, and to invite the team to participate in an interactive dialogue at its thirty-eighth session;

12. *Requests* the Office of the High Commissioner to provide the necessary technical assistance to the Government of the Democratic Republic of the Congo regarding its investigations into the allegations of human rights violations and abuses committed in the Kasai regions;

13. *Requests* that the Office of the High Commissioner receive all necessary and appropriate resources for the conduct of this mandate;

14. *Decides* to remain seized of the situation.

37th meeting
23 June 2017

[Adopted without a vote.]

35/34. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming its decision 2/112 of 27 November 2006 and resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009, 13/26 of 26 March 2010, 19/19 of 23 March 2012, 25/7 of 27 March 2014, 29/9 of 2 July 2015, 31/3 of 23 March 2016 and 33/21 of 30 September 2016, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, 66/171 of 19 December 2011, 68/178 of 18 December 2013, 70/148 of 17 December 2015 and 70/291 of 1 July 2016, and welcoming the efforts of all relevant stakeholders to implement them,

1. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

3. *Affirms its unequivocal condemnation* of all acts, methods and practices of terrorism and violent extremism conducive to terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism, as unjustifiable in accordance with applicable international law, in the light of, in particular, their detrimental effects on the enjoyment of human rights and on democratic societies as well as the threat they pose to territorial integrity, the security of States and the stability of Governments;

4. *Renews* its commitment to strengthen international cooperation to prevent, counter and combat terrorism, and in that regard calls upon States and other relevant parties, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism;

5. *Stresses* the responsibility of States to protect persons in their territory against such acts, in full compliance with their obligations under international law, and in particular international human rights law, international refugee law and international humanitarian law;

6. *Deeply deplores* the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirms its profound solidarity with them, and stresses the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law;

7. *Emphasizes* the need to ensure that victims of terrorism are treated with dignity and respect, stresses the need to promote international solidarity in support of the victims of terrorism, and recognizes the role that victims of terrorism can play, including in countering the appeal of terrorism;

8. *Calls upon* States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations receive adequate, effective and prompt reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence;

9. *Stresses* the importance of ensuring access to justice and accountability, including by developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

10. *Strongly encourages* relevant United Nations agencies to take into account in their technical assistance to counter terrorism, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

11. *Reaffirms* that terrorism and violent extremism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

12. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law;

13. *Recognizes* the important role of education, respect for cultural diversity, preventing and combating discrimination, employment and inclusion in helping to prevent terrorism and violent extremism conducive to terrorism, and welcomes the engagement of relevant United Nations agencies with Member States to implement strategies to prevent violent extremism conducive to terrorism through education;

14. *Also recognizes* the importance of preventing violent extremism conducive to terrorism, and invites Member States and regional and subregional organizations to consider developing national and regional plans of action in this regard;

15. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism, and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder its work and safety and are in compliance with their obligations under international law;

16. *Urges* States to ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures;

17. *Calls upon* States to highlight the important role of women in countering terrorism and violent extremism conducive to terrorism, and to consider, when appropriate, the impact of counter-terrorism strategies on women's and children's human rights and women's and children's organizations, and to seek consultations with these organizations when developing strategies to counter terrorism and preventing violent extremism conducive to terrorism;

18. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

19. *Reiterates* that, given their potential status as victims of terrorism and of other violations of international law, all children alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law, in particular the obligations set out under the Convention on the Rights of the Child and, bearing in mind relevant international standards on human rights in the administration of justice in this regard, urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups;

20. *Urges* all States to respect and protect the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in the context of digital communication, and calls upon States, while countering terrorism and violent extremism conducive to terrorism, to review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law, and urges them to take measures to ensure that any interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that such interference is not arbitrary or unlawful, bearing in mind what is reasonable to the pursuance of legitimate aims;

21. *Emphasizes* the key importance of the full respect for the right to freedom of opinion and expression in efforts to fight terrorism and violent extremism conducive to terrorism, and also in countering the propaganda of terrorist and extremist groups, bearing in mind the provisions set out in the International Covenant on Civil and Political Rights;

22. *Urges* States to ensure that any measure taken or means employed to counter terrorism and violent extremism conducive to terrorism, including the use of remotely piloted aircraft, complies with their obligations under international law, including international human rights law and international humanitarian law;

23. *Also urges* States, while undertaking counter-terrorism activities, to respect their international obligations regarding humanitarian actors and organizations that play a key role in areas where terrorist groups are active;

24. *Further urges* States to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of breaches of their obligations under international law as a result of any measures taken or means employed to counter

terrorism, and to ensure accountability for those responsible for violations that amount to crimes under national or international law;

25. *Notes with concern* measures that undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the use of torture, the unlawful deprivation of the right to life and other fundamental freedoms, and urges States to provide for review of detention and to respect the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal as well as to the presumption of innocence, to a fair trial and other fundamental judicial guarantees, as provided for by international law, including international human rights law, and, as applicable, international humanitarian law and international refugee law;

26. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with and are applied in a manner that fully respects international human rights law, in particular the rights enshrined in articles 10 and 11 of the Universal Declaration of Human Rights and further codified in articles 14 and 15 of the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principle of certainty of the law by clear and precise provisions;

27. *Notes with concern* the unlawful transfer or return of suspects of terrorist activities to countries where there are substantial grounds for believing that they would be in danger of being subject to torture;

28. *Calls upon* Member States and the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

29. *Encourages* Member States, United Nations entities, regional and subregional organizations and relevant actors to consider instituting mechanisms to involve youth in the promotion of a culture of peace, justice and human development, and of ethnic, national and religious tolerance by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

30. *Takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[167]

31. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms;[168]

32. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

33. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

34. *Welcomes* the creation of the Office of Counter-Terrorism,[169] and encourages the Office and all relevant United Nations bodies, agencies, funds and programmes, and international, regional and subregional organizations involved in supporting counter-terrorism efforts, in particular those that are participating in the Counter-Terrorism Implementation Task Force and that provide technical assistance relating to the prevention

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[167] A/HRC/34/61

[168] A/HRC/34/30

[169] See General Assembly resolution 71/291

and suppression of terrorism to consenting States, to include, as appropriate and where consistent with their mandates, respect for international law, in particular human rights law and, as applicable, international humanitarian law and international refugee law, as an important element of the technical assistance they offer to States in the area of counter-terrorism;

35. *Recalls* the need to continue to ensure that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance efficiency and transparency, in particular with regard to placing individuals and entities on, and removing them from, terrorism-related sanctions lists, while emphasizing the importance of sanctions in countering terrorism under international law, and welcomes the ongoing efforts of the Security Council in support of those objectives;

36. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

38th meeting
23 June 2017

[Adopted without a vote.]

35/35. Situation of human rights in Eritrea

For the text of the resolution, see chapter II.

B. Decisions

35/101. Panel discussion on the human rights of internally displaced persons in commemoration of the twentieth anniversary of the Guiding Principles on Internal Displacement

At its 34th meeting, on 22 June 2017, the Human Rights Council decided to adopt the text below:

"*The Human Rights Council*,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Deeply disturbed by the alarming scale, complexity and protracted nature of internal displacements throughout the world, for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as natural and human-made disasters, in which internally displaced persons receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the people affected, including the host communities, and for the international community,

Conscious of the human rights, humanitarian, development and possible peacebuilding dimensions of internal displacement, including in long-term displacement situations, the often heightened vulnerability of women and children, as well as of older persons and persons with disabilities, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Noting that 2018 will mark the twentieth anniversary of the Guiding Principles on Internal Displacement, and reaffirming the recognition of the Guiding Principles as an important international framework for the protection of internally displaced persons, *Affirming* that the above-mentioned anniversary offers an important opportunity to reflect on the promotion and protection of the human rights of internally displaced persons and on the achievements, best practices and challenges with regard to the application of the Guiding Principles,

1. *Decides* to convene, at its thirty-eighth session, a panel discussion on the human rights of internally displaced persons, in commemoration of the twentieth anniversary of the Guiding Principles on Internal Displacement, with a particular focus on their application and on achievements, best practices and challenges in this regard, as well as on recommendations to meet these challenges, and also decides that the discussion shall be fully accessible to persons with disabilities;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion from within existing resources, in consultation with States, relevant United Nations bodies and agencies, treaty bodies, special procedures, in particular the Special Rapporteur on the human rights of internally displaced persons, and regional human rights mechanisms, as well as with civil society, non-governmental organizations and national human rights institutions, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare and submit a summary report on the panel discussion to the Human Rights Council at its fortieth session."

[Adopted without a vote.]

C. President's statement

PRST 35/1. Situation of human rights in Côte d'Ivoire

At the 37th meeting, held on 23 June 2017, the President of the Human Rights Council made the following statement:

"The Human Rights Council,

1. Thanks the Independent Expert on the enhancement of capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights for his report[156] on the human rights situation in Côte d'Ivoire, and notes the latest legal and political developments in the country, in particular the following:

(a) The adoption of a new Constitution establishing the Third Republic, which strengthens the rule of law, the protection of public freedoms, democratic governance and gender equality;

(b) The inauguration of the new Parliament and the new Government in December 2016 and January 2017;

(c) The appointment of a Vice-President under the new Constitution;

(d) The adoption by the Council of Ministers, on 13 April 2017, of a decree establishing a national committee to combat trafficking in persons, pursuant to Act No. 2016-1111 of 8 December 2016 on combating trafficking in persons;

(e) The adoption by the Council of Ministers, on 14 April 2017, of a bill to suppress the smuggling of migrants, in view of the worrying situation faced by migrants;

(f) The adoption by the Government, on 17 May 2017, of a decree establishing an interministerial committee for the follow-up and implementation of recommendations in the area of international humanitarian law;

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[156] A/HRC/35/43.

(g) The signing of Decree No. 2016-373 of 3 June 2016 on the establishment, powers, organization and functioning of a national committee to combat conflict-related sexual violence;

2. *Welcomes* the legislative reforms to the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Code of Civil Procedure, and encourages the Government of Côte d'Ivoire to monitor the reforms necessary for the modernization of the judicial system and to develop and implement actions to reduce the duration of pretrial detention and improve detention conditions;

3. *Also welcomes* the continuation of judicial proceedings in Côte d'Ivoire, in accordance with the international standards guaranteeing a fair trial, and encourages the country to prosecute all the alleged perpetrators of human rights violations, particularly those committed during the post-election crisis of 2010-2011;

4. *Welcomes* the significant progress made in the national reconciliation process, which has been marked by events including the return from exile of several high-ranking officials and supporters of the former regime and the release of a number of alleged perpetrators of acts of violence committed during the 2010-2011 election period, and encourages the Government of Côte d'Ivoire to continue its efforts to achieve national reconciliation;

5. *Welcomes* the publication on 25 October 2016 of the report of the Dialogue, Truth and Reconciliation Commission, which has helped to bring out the truth, to disseminate information and to raise national and international awareness of the outcome of the Commission's work, with a view to promoting forgiveness and national reconciliation, and encourages the Government of Côte d'Ivoire to take actions to raise public awareness of the content of the report and to take into account its recommendations;

6. *Also welcomes* the continued provision of compensation from a victim compensation fund totalling 10 billion CFA francs, the aim of which is to place victims at the centre of the national reconciliation process, and calls upon the international community to provide support to the fund;

7. *Commends* the renewed commitment of Côte d'Ivoire to the United Nations system, as evidenced by its election to the Security Council as a non-permanent member in June 2017;

8. *Welcomes* the long-standing tradition in Côte d'Ivoire of welcoming and providing hospitality to migrants, who constitute about 25 per cent of the total population, and commends the efforts of the Government of Côte d'Ivoire to integrate them;

9. *Welcomes* the efforts of Côte d'Ivoire in the area of statelessness and encourages the country to continue sharing experiences and good practices;

10. *Also welcomes* the adoption of Decree No. 2017-121 of 22 February 2017 on the procedures for implementation of Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders;

11. *Notes with appreciation* the implementation of the programme for the disarmament, demobilization and reintegration of former combatants, 72 per cent funded by Côte d'Ivoire, and the implementation of security sector reform and the plan for reconciliation, social cohesion, reconstruction and peacebuilding, and encourages the Ivorian authorities to continue these reforms in order to consolidate the progress achieved;

12. *Recommends* that the Government of Cote d'Ivoire continue its efforts to build capacities and cohesion within the armed forces of the country in order to strengthen its institutions, thereby contributing to national development and full respect for human rights;

13. *Notes* that women are underrepresented in national institutions, including the Parliament and Government, and strongly encourages the Government

of Côte d'Ivoire to strengthen, support and promote the full participation of women in leadership positions and at all levels of decision-making in the social, economic and political life of the country, in accordance with the relevant provisions of the new Constitution;

14. Encourages the Government of Côte d'Ivoire to continue to strengthen the rule of law, in particular by combating impunity;

15. Also encourages the Government of Côte d'Ivoire to continue to cooperate fully and effectively with the human rights treaty bodies and to submit its pending reports to the relevant bodies;

16. Encourages the strengthening of the prison system and of the provisions that guarantee the independence of the judiciary, with the aim of ensuring the proper functioning of public institutions and services and the enjoyment of all human rights;

17. Requests the Office of the United Nations High Commissioner for Human Rights to provide the technical assistance requested by the Government of Côte d'Ivoire in order to strengthen the capacity of the National Human Rights Commission of Côte d'Ivoire in view of the expiry of the mandate of the Independent Expert and the closure of the United Nations Operation in Côte d'Ivoire in June 2017, and encourages the Ivorian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

18. Strongly encourages the Government of Côte d'Ivoire to continue to adopt the necessary legislative, policy and legal measures to safeguard the human rights of all vulnerable persons, and to pay particular attention to the fate of missing persons and persons who have been displaced, resettled or reintegrated or who are refugees;

19. Also strongly encourages the Government of Côte d'Ivoire to continue to combat gender-based violence and discrimination;

20. Strongly commends the important work done by the Independent Expert on the situation of human rights in Côte d'Ivoire within the framework of technical assistance and capacity-building;

21. Calls upon the Government of Côte d'Ivoire, with support from all relevant stakeholders, including civil society, to implement the recommendations made by the Independent Expert in his report and to take the necessary legal measures to implement them in the short term, in particular through the National Human Rights Commission and the technical ministries designated to take over the Human Rights Division of the United Nations Operation in Côte d'Ivoire;

22. Calls upon the international community to continue to support, upon request, the National Human Rights Commission in its capacity-building efforts and in enabling it to contribute effectively to the promotion and protection of the human rights and fundamental freedoms of the Ivorian people, in accordance with the Paris Principles;

23. Welcomes the cooperation of the Ivorian authorities with the United Nations system as a whole, in particular the mechanisms of the Human Rights Council, and their willingness to continue to work to uphold and promote human rights in Côte d'Ivoire;

24. Express its gratitude to all bilateral and multilateral partners, civil society and non-governmental organizations for the support and assistance they have provided to the Government of Côte d'Ivoire throughout the years."

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